

EXTRAORDINARY GAZETTE



THE SOUTH AUSTRALIAN
GOVERNMENT GAZETTE

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 ADELAIDE, THURSDAY, 25 NOVEMBER 1999

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 GOVERNMENT GAZETTE NOTICES

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REGULATIONS UNDER THE FREEDOM OF INFORMATION ACT 1991

No. 227 of 1999

At the Executive Council Office at Adelaide 25 November 1999

PURSUANT to the *Freedom of Information Act 1991* and with the advice and consent of the Executive Council, I make the following regulations.

E. J. NEAL Governor

PURSUANT to section 10AA(2) of the *Subordinate Legislation Act 1978*, I certify that, in my opinion, it is necessary or appropriate that the following regulations come into operation as set out below.

MICHAEL ARMITAGE Minister for Government Enterprises

SUMMARY OF PROVISIONS

1. Citation
 2. Commencement
 3. Variation of reg. 5—Exempt agencies
-

Citation

1. The *Freedom of Information (Exempt Agency) Regulations 1993* (see *Gazette* 21 January 1993, p. 409), as varied, are referred to in these regulations as "the principal regulations".

Commencement

2. These regulations come into operation on the day on which they are made.

Variation of reg. 5—Exempt agencies

3. Regulation 5 of the principal regulations is varied by inserting after paragraph (b) the following paragraph:

- (c) the South Australian Independent Industry Regulator established under the *Independent Industry Regulator Act 1999*.

T&F 65/99 CS

R. DENNIS Clerk of the Council

REGULATIONS UNDER THE ELECTRICITY ACT 1996

No. 228 of 1999

At the Executive Council Office at Adelaide 25 November 1999

PURSUANT to the *Electricity Act 1996* and with the advice and consent of the Executive Council, I make the following regulations.

E. J. NEAL Governor

PURSUANT to section 10AA(2) of the *Subordinate Legislation Act 1978*, I certify that, in my opinion, it is necessary or appropriate that the following regulations come into operation as set out below.

ROB LUCAS Treasurer

SUMMARY OF PROVISIONS

1. Citation
2. Commencement
3. Insertion of Part 3A

PART 3A

UNDERGROUNDING OF POWERLINES

- 8A. Prescribed amount for undergrounding work

Citation

1. The *Electricity (General) Regulations 1997* (see *Gazette* 26 June 1997 p. 3144), as varied, are referred to in these regulations as "the principal regulations".

Commencement

2. These regulations come into operation on the day on which they are made.

Insertion of Part 3A

3. The following Part is inserted after Part 3 of the principal regulations:

PART 3A

UNDERGROUNDING OF POWERLINES

Prescribed amount for undergrounding work

8A. For the purposes of section 58A(3) of the Act, the amount is—

- (a) for the financial year 1999/2000—\$4.2 million;
- (b) for the financial year 2000/2001—the amount determined by the Minister in accordance with the following formula:

$$A = \$4.4 \text{ million} \times \frac{CPI_x}{CPI_1}$$

where—

CPI_x is the Consumer Price Index, All Groups Index Number (All Cities) published by the Australian Bureau of Statistics, for the March quarter 2000;

CPI_1 is the Consumer Price Index, All Groups Index Number (All Cities) published by the Australian Bureau of Statistics, for the March quarter 1999;

- (c) for each subsequent financial year—the amount determined by the Minister in accordance with the following formula:

$$A = \left(\$4.2 \text{ million} \times \frac{CPI_x}{CPI_1} \right) + \left(\frac{A_x}{TC_x} \times GST_x \right)$$

where—

CPI_x is the Consumer Price Index, All Groups Index Number (All Cities) published by the Australian Bureau of Statistics, for the March quarter preceding the financial year concerned;

CPI_1 is the Consumer Price Index, All Groups Index Number (All Cities) published by the Australian Bureau of Statistics, for the March quarter 1999;

A_x is the amount (in dollars) determined by the Minister under this regulation for the purposes of section 58A(3) of the Act for the previous financial year;

TC_x is the total cost (in dollars) of the undergrounding work undertaken in the previous financial year in accordance with programs prepared under section 58A of the Act;

GST_x is the amount (in dollars) determined by the Minister as being the total GST (within the meaning of the *A New Tax System (Goods and Services Tax) Act 1999* of the Commonwealth, as amended from time to time) paid in respect of all undergrounding work undertaken in the previous financial year in accordance with programs prepared under section 58A of the Act.

REGULATIONS UNDER THE MOTOR VEHICLES ACT 1959

No. 229 of 1999

At the Executive Council Office at Adelaide 25 November 1999

PURSUANT to the *Motor Vehicles Act 1959* and with the advice and consent of the Executive Council, I make the following regulations.

E. J. NEAL Governor

PURSUANT to section 10AA(2) of the *Subordinate Legislation Act 1978*, I certify that, in my opinion, it is necessary or appropriate that the following regulations come into operation as set out below.

DIANA LAIDLAW Minister for Transport and Urban Planning

SUMMARY OF PROVISIONS

1. Citation
2. Commencement
3. Insertion of reg. 39A
39A. Exemption from s. 41(2) of the Act

Citation

1. The *Motor Vehicles Regulations 1996* (see *Gazette* 30 May 1996 p. 2751), as varied, are referred to in these regulations as "the principal regulations".

Commencement

2. These regulations will come into operation on 1 December 1999.

Insertion of reg. 39A

3. The following regulation is inserted after regulation 39 of the principal regulations:

Exemption from s. 41(2) of the Act

39A. (1) A person who uses a motor vehicle of restricted registration contrary to the terms of an undertaking in relation to the vehicle under section 34(1)(b) of the Act is exempt from section 41(2) of the Act if—

- (a) the purpose for which the vehicle is used is solely the carrying of primary produce to assist a charitable organisation or a sporting organisation in fundraising activities; and
- (b) neither the owner of the vehicle nor a person using the vehicle (if not the owner) receives a monetary or other material benefit (including out of pocket expenses relating to the use of the vehicle) in relation to that use of the vehicle; and
- (c) the use of the vehicle is within an area having a radius of 75 kilometres from the garage address of the vehicle.

(2) In this regulation—

"charitable organisation" means a body (whether corporate or unincorporate) established on a non-profit basis for charitable, religious, educational or benevolent purposes and includes a trustee who holds property on behalf of such a body;

"sporting organisation" means a body (whether corporate or unincorporate) established on a non-profit basis principally for the purpose of facilitating and co-ordinating the sporting activities of its members.

TSA 7402/99 CS

R. DENNIS Clerk of the Council

REGULATIONS UNDER THE MOTOR VEHICLES ACT 1959

No. 230 of 1999

At the Executive Council Office at Adelaide 25 November 1999

PURSUANT to the *Motor Vehicles Act 1959* and with the advice and consent of the Executive Council, I make the following regulations.

E. J. NEAL Governor

PURSUANT to section 10AA(2) of the *Subordinate Legislation Act 1978*, I certify that, in my opinion, it is necessary or appropriate that the following regulations come into operation as set out below.

DIANA LAIDLAW Minister for Transport and Urban Planning

SUMMARY OF PROVISIONS

1. Citation
2. Commencement
3. Revocation of regs. 5 and 6
4. Variation of reg. 12—Carriage of number plates (s. 47(1) of the Act)
5. Insertion of regs. 56 and 57
 56. Demerit points for offences in this State
 57. Notification of demerit points to interstate licensing authorities
6. Variation of Sched. 1—Conditional registration
7. Insertion of Sched. 7

SCHEDULE 7*Demerit Points***Citation**

1. The *Motor Vehicles Regulations 1996* (see *Gazette* 30 May 1996 p. 2751), as varied, are referred to in these regulations as "the principal regulations".

Commencement

2. These regulations will come into operation on 1 December 1999.

Revocation of regs. 5 and 6

3. Regulations 5 and 6 of the principal regulations are revoked.

Variation of reg. 12—Carriage of number plates (s. 47(1) of the Act)

4. Regulation 12 of the principal regulations is varied by striking out from paragraph (a)(ii) "farm" and substituting "agricultural".

Insertion of regs. 56 and 57

5. The following regulations are inserted after regulation 55 of the principal regulations:

Demerit points for offences in this State

56. (1) For the purposes of section 98B(1) of the Act—

- (a) the offences specified in Schedule 7 are prescribed; and
- (b) the number of demerit points incurred by a person on conviction or expiation of an offence specified in Schedule 7 is the number set out alongside that offence.

(2) Text set out in italic type under a heading in Schedule 7 commencing with the words "Description of offence" is a description for convenience purposes only and is not to be taken to define the offence for which a particular number is prescribed as the number of demerit points attracted by the offence.

Notification of demerit points to interstate licensing authorities

57. For the purposes of section 98BI(1) of the Act, the offences specified in Part 1 of Schedule 7 are prescribed.

Variation of Sched. 1—Conditional registration

6. Schedule 1 of the principal regulations is varied by striking out from clause 4(1) "farm" and substituting "agricultural".

Insertion of Sched. 7

7. The following Schedule is inserted after Schedule 6 of the principal regulations:

SCHEDULE 7*Demerit Points***PART 1****DEMERIT POINTS WITHIN THE NATIONAL SCHEME****DIVISION 1—OFFENCES AGAINST THE ROAD TRAFFIC ACT 1961**

Section	Description of offence against Road Traffic Act 1961	Demerit points
164A(1)	<i>Contravening or failing to comply with provision of Act</i>	
	Contravention of or failure to comply with—	
	s.45 <i>Driving without due care or attention, etc.</i>	3
	s.160(6) <i>Driving contrary to terms of defect notice</i>	3

DIVISION 2—OFFENCES AGAINST THE AUSTRALIAN ROAD RULES

Rule	Description of offence against Australian Road Rules	Demerit points
20	<i>Speeding</i> Exceeding applicable speed-limit on length of road— by less than 15 kph	1
	by 15 kph or more but less than 30 kph	3
	by 30 kph or more but less than 45 kph	4
	by 45 kph or more	6
27(1)	<i>Failing to keep left when starting left turn (from other than multi-lane road)</i>	2
28(1)	<i>Failing to keep within left lane when starting left turn on multi-lane road</i>	2
29	<i>Failing to make left turn as indicated by road marking</i>	2
31(1)	<i>Starting right turn incorrectly (from other than multi-lane road)</i>	2
32(1)	<i>Failing to keep within right lane when starting right turn on multi-lane road</i>	2
33(1)	<i>Making right turn at intersection incorrectly (other than at T-intersection)</i>	2
34(1)	<i>Making hook turn at "hook turn only" sign incorrectly</i>	2
37	<i>Starting U-turn without clear view, etc.</i>	2
38	<i>Failing to give way when making U-turn</i>	3
39(1)	<i>Making U-turn contrary to "no U-turn sign" at break in dividing strip</i>	2
39(2)	<i>Making U-turn contrary to "no U-turn sign" on length of road</i>	2
40	<i>Making U-turn at intersection with traffic lights and "no U-turn permitted" sign</i>	2
41	<i>Making U-turn at intersection without traffic lights and without "U-turn permitted" sign</i>	2
42	<i>Starting U-turn at intersection from incorrect position</i>	2
43(1)	<i>Starting and making left turn incorrectly</i>	2
43(2)	<i>Starting and making right turn incorrectly</i>	2
46(1)	<i>Failing to give left change of direction signal before turning left</i>	2
48(1)	<i>Failing to give right change of direction signal before turning right</i>	2
53(1)	<i>Failing to give stop signal before stopping or suddenly slowing</i>	2
53(2)	<i>Failing to give sufficient warning of stopping</i>	2
53(3)	<i>Failing to give stop signal while slowing</i>	2
56(1)	<i>Failing to stop for red traffic light</i>	3
56(2)	<i>Failing to stop for red traffic arrow</i>	3
57(2)	<i>Failing to stop for yellow traffic light or arrow</i>	3
57(3)	<i>Failing to leave intersection showing yellow traffic light or arrow</i>	3
59(1)	<i>Proceeding through red traffic light</i>	3
60	<i>Proceeding through red traffic arrow</i>	3
61(2)	<i>Failing to stop at intersection when traffic lights or arrows change to yellow or red</i>	3
61(5)	<i>Failing to leave intersection when traffic lights or arrows change to yellow or red</i>	3
62	<i>Failing to give way when turning at intersection with traffic lights</i>	3
63(2)	<i>Failing to give way at intersection with traffic lights not operating or only partly operating—where traffic light-stop sign</i>	3
63(3)	<i>Failing to give way at intersection with traffic lights not operating or only partly operating—where no traffic light-stop sign</i>	3
64	<i>Failing to give way at flashing yellow traffic arrow at intersection</i>	3
65(2)	<i>Failing to give way at marked foot crossing (except at intersection) with flashing yellow traffic light</i>	3
66(1)	<i>Failing to stop for twin red lights (except at level crossing)</i>	3

66(4)	<i>Proceeding after stopping for twin red lights (except at level crossing)</i>	3
67(1)	<i>Failing to stop and give way at stop sign or stop line at intersection without traffic lights</i>	3
68(1)	<i>Failing to stop and give way at stop sign or stop line at other place</i>	3
69(1)	<i>Failing to give way at give way sign or give way line at intersection</i>	3
70	<i>Failing to give way at give way sign at bridge or length of narrow road</i>	3
71(1)	<i>Failing to give way at give way sign or give way line at other place</i>	3
72(1)	<i>Failing to give way at intersection (except T-intersection or roundabout)</i>	3
73(1)	<i>Failing to give way at T-intersection</i>	3
74(1)	<i>Failing to give way when entering road from road-related area or adjacent land</i>	3
75(1)	<i>Failing to give way when entering road-related area or adjacent land from road</i>	3
76(1)	<i>Moving into path of tram travelling in tram lane, etc.</i>	3
76(2)	<i>Failing to move out of path of tram travelling in tram lane, etc.</i>	3
77(1)	<i>Failing to give way to bus</i>	3
78(1)	<i>Moving into path of police or emergency vehicle</i>	3
78(2)	<i>Failing to move out of path of police or emergency vehicle</i>	3
79(1)	<i>Failing to give way to police or emergency vehicle</i>	3
80(1)	<i>Driving near children's crossing at speed at which driver cannot stop safely</i>	3
80(2)	<i>Failing to stop at children's crossing</i>	3
80(3)	<i>Failing to obey hand-held stop sign at children's crossing</i>	3
80(4)	<i>Proceeding while pedestrian on children's crossing</i>	3
81(1)	<i>Driving near pedestrian crossing at speed at which driver cannot stop safely</i>	3
81(2)	<i>Failing to give way at pedestrian crossing</i>	3
82	<i>Overtaking or passing vehicle at children's crossing or pedestrian crossing</i>	3
83	<i>Failing to give way to pedestrian in shared zone</i>	3
84(1)	<i>Failing to give way when driving through break in dividing strip</i>	3
85	<i>Failing to give way on painted island</i>	3
86(1)	<i>Failing to give way in median turning bays</i>	3
87(1)	<i>Failing to give way when moving from side or shoulder of road</i>	3
88(1)	<i>Failing to turn left at intersection with "left turn only" sign</i>	2
88(2)	<i>Failing to turn left when in left lane at intersection with "left lane must turn left" sign</i>	2
89(1)	<i>Failing to turn right at intersection with "right turn only" sign</i>	2
89(2)	<i>Failing to turn right when in right lane at intersection with "right lane must turn right" sign</i>	2
90	<i>Turning at intersection with "no turn" sign</i>	2
91(1)	<i>Turning left at intersection with "no left turn" sign</i>	2
91(2)	<i>Turning at intersection with "no right turn" sign</i>	2
93(1)	<i>Driving or overtaking on bridge or length of road where "no overtaking or passing" sign applies</i>	2
94	<i>Overtaking on bridge with "no overtaking on bridge" sign</i>	2
101(1)	<i>Failing to stop before hand-held stop sign</i>	3
101(2)	<i>Proceeding after stopping for hand-held stop sign</i>	3
112(2)	<i>Failing to give left change of direction signal when entering roundabout</i>	2
112(3)	<i>Failing to continue left change of direction signal while on roundabout</i>	2
113(2)	<i>Failing to give right change of direction signal when entering roundabout</i>	2
113(3)	<i>Failing to continue right change of direction signal while in roundabout</i>	2
114(1)	<i>Failing to give way when entering roundabout</i>	3
114(2)	<i>Failing to give way to tram when driving in roundabout</i>	3
117(1)	<i>Failing to give left change of direction signal when changing marked lanes or lines of traffic in roundabout</i>	2
117(2)	<i>Failing to give right change of direction signal when changing marked lanes or lines of traffic in roundabout</i>	2
118(1)	<i>Failing to give left change of direction signal when leaving roundabout</i>	2
118(2)	<i>Failing to stop left change of direction signal after leaving roundabout</i>	2
121	<i>Failing to stop and give way at stop sign at level crossing</i>	3
122	<i>Failing to give way at give way sign or give way line at level crossing</i>	3
123	<i>Entering level crossing when train or tram approaching, etc.</i>	3
126	<i>Failing to keep safe distance behind other vehicle</i>	1

127(1)	<i>Failing to keep required minimum distance behind long vehicle</i>	1
129(1)	<i>Failing to keep to far left side of road</i>	2
130(2)	<i>Driving in right lane on certain multi-lane roads</i>	2
131	<i>Failing to keep to left of oncoming vehicle</i>	2
132(1)	<i>Failing to keep to left of centre of road</i>	2
132(2)	<i>Failing to keep to left of dividing line—dividing line formed by 2 parallel continuous lines</i>	3
132(2)	<i>Failing to keep to left of dividing line—any other dividing line</i>	2
135(1)	<i>Failing to keep to left of median strip</i>	3
136	<i>Driving in wrong direction on one-way service road</i>	2
140	<i>Overtaking when not safe to do so</i>	2
141(1)	<i>Driver overtaking to left of other vehicle</i>	2
141(2)	<i>Bicycle rider overtaking to left of vehicle turning left</i>	2
142(1)	<i>Overtaking to right of vehicle turning right</i>	2
143(1)	<i>Passing or overtaking to left of turning left vehicle displaying "do not overtake turning vehicle" sign</i>	2
143(2)	<i>Passing or overtaking to right of turning right vehicle displaying "do not overtake turning vehicle" sign</i>	2
144	<i>Failing to keep safe distance when overtaking</i>	2
148(1)	<i>Failing to give way when moving from one marked lane to another marked lane</i>	3
148(2)	<i>Failing to give way when moving from one line of traffic to another line of traffic</i>	3
149	<i>Failing to give way when lines of traffic merge into single line of traffic</i>	3
152(1)	<i>Driving in marked lane to which overhead lane control device applies—failing to comply with rule</i>	3
155(1)	<i>Driving in tram lane</i>	3
160(2)	<i>Passing or overtaking to right of tram not at or near far left side of road</i>	2
160(3)	<i>Passing or overtaking left turning, etc. tram not at or near far left side of road</i>	2
161(2)	<i>Passing or overtaking to left of tram at or near the left side of road</i>	2
161(3)	<i>Passing or overtaking tram turning right or giving right change of direction signal</i>	2
162(1)	<i>Driving past safety zone</i>	3
163(1)	<i>Driving past rear of stopped tram</i>	3
164(1)	<i>Failing to give way to pedestrians crossing road near stopped tram</i>	3
215(1)	<i>Failing to use lights when driving at night or in hazardous weather conditions</i>	1
216(1)	<i>Failing to use lights when towing vehicle at night or in hazardous weather conditions</i>	1
218(1)	<i>Using headlights on high-beam</i>	1
219	<i>Using lights to dazzle other road users</i>	1
264(1)	<i>Failing to wear seatbelt—driver</i>	3
265(1)	<i>Failing to wear seatbelt—passenger 16 years old, or older</i>	3
266(1)	<i>Failing to ensure passenger under 16 years old is wearing seatbelt</i>	3
270(1)	<i>Riding motor bike without wearing helmet or with passenger not wearing helmet</i>	3
270(2)	<i>Passenger on motor bike failing to wear helmet</i>	3
288(4)	<i>Driving on path—failing to give way</i>	3
289(2)	<i>Driving on nature strip—failing to give way</i>	3
304(1)	<i>Failing to obey direction of police officer or authorised person</i>	3

PART 2
DEMERIT POINTS PECULIAR TO SOUTH AUSTRALIA

DIVISION 1—OFFENCES AGAINST THE ROAD TRAFFIC ACT 1961

Section	Description of offence against Road Traffic Act 1961	Demerit points
43(1)	<i>Failing to stop and give assistance immediately after accident involving injury or death</i>	5
46(1)	<i>Driving recklessly or at speed or in manner dangerous to public</i>	6
47(1)	<i>Driving or attempting to put vehicle in motion while under influence of liquor or drug</i>	6
47B(1)	<i>Driving whilst having prescribed concentration of alcohol in blood</i> Contravention involving less than 0.08 grams of alcohol in 100 millilitres of blood	3
	Contravention involving 0.08 grams or more but less than 0.15 grams of alcohol in 100 millilitres of blood	5
	Contravention involving 0.15 grams or more of alcohol in 100 millilitres of blood	6
47E(3)	<i>Refusing or failing to comply with direction of member of police force in relation to alcotest or breath analysis</i>	6
47I(14)	<i>Refusing or failing to comply with request to submit to taking of sample of blood</i>	6
91(3)	<i>Failing to comply with direction of ferry operator</i>	3
164A(1)	<i>Contravening or failing to comply with provision of Act</i> Contravention of or failure to comply with—	
	s.41(2) <i>Failing to comply with direction of member of police force</i>	3
	s.42(2) <i>Failing to comply with request by member of police force or inspector to stop vehicle</i>	3
	s.110 <i>Failing to keep whole of vehicle on sealed surface when driving on sealed road</i>	3

DIVISION 2—OFFENCES AGAINST THE AUSTRALIAN ROAD RULES

Rule	Description of offence against Australian Road Rules	Demerit points
46(4)	<i>Failing to stop giving left change of direction signal after turning left</i>	2
48(4)	<i>Failing to stop giving right change of direction signal after turning right</i>	2
51	<i>Using direction indicator lights when not permitted</i>	2
87(3)	<i>Failing to give way when moving from median strip parking area</i>	3
92(1)	<i>Failing to drive in direction indicated by traffic lane arrows</i>	3
95(1)	<i>Driving in emergency stopping lane</i>	3
96(1)	<i>Stopping on area of road marked with keep clear marking</i>	3
97(1)	<i>Driving on length of road where "road access" sign applies</i>	3
98(1)	<i>Driving in wrong direction on length of road where "one-way" sign applies</i>	3
99(1)	<i>Failing to drive to left of "keep left" sign</i>	3
99(2)	<i>Failing to drive to right of "keep right" sign</i>	3
100	<i>Driving past "no entry" sign</i>	3
102(1)	<i>Driving past "clearance" or "low clearance" sign</i>	3

103(1)	<i>Driving past "bridge load limit (gross mass)" or "gross load limit" sign—vehicle exceeding gross mass indicated by sign</i>	3
103(2)	<i>Driving past "bridge load limit (mass per axle group)" sign—vehicle axle group carrying mass exceeding mass indicated by sign</i>	3
104(1)	<i>Driving past "no trucks" sign—vehicle GMV exceeding permitted mass</i>	3
104(2)	<i>Driving truck past "no trucks" sign—vehicle or combination exceeding permitted length</i>	3
104(3)	<i>Driving truck past "no trucks" sign where no mass or length indicated</i>	3
105	<i>Failing to enter area indicated by "trucks must enter" sign</i>	3
106(1)	<i>Driving bus past "no buses" sign—bus exceeding mass indicated by sign</i>	3
106(2)	<i>Driving bus past "no buses" sign—bus exceeding length indicated by sign</i>	3
106(3)	<i>Driving bus past "no buses sign" where no mass or length indicated</i>	3
107	<i>Failing to enter area indicated by "buses must enter" sign</i>	3
108(1)	<i>Failing to drive truck or bus in low gear on length of road where "trucks and buses low gear" sign applies</i>	3
111(1)	<i>Failing to enter roundabout from multi-lane road or road with 2 or more lines of traffic travelling in same direction correctly</i>	3
115(1)	<i>Failing to drive in roundabout to left of central traffic island</i>	2
116	<i>Failing to obey traffic lane arrows when driving in or leaving roundabout</i>	3
119	<i>Failing to give way by rider of bicycle or animal to vehicle leaving roundabout</i>	3
124	<i>Failing to leave level crossing as soon as safe to do so</i>	3
128	<i>Entering blocked intersection</i>	3
145	<i>Increasing speed while being overtaken</i>	2
146(1)	<i>Failing to drive within single marked lane</i>	3
146(2)	<i>Failing to drive within single line of traffic</i>	3
149	<i>Failing to give way when lines of traffic merge into single line of traffic</i>	3
151(1)	<i>Riding motor bike or bicycle alongside more than 1 other rider on non multi-lane road</i>	3
151(2)	<i>Riding motor bike or bicycle alongside more than 1 other rider in marked lane</i>	3
151(4)	<i>Riding motor bike or bicycle more than 1.5 metres from another rider</i>	3
260(1)	<i>Failing to stop bicycle for red bicycle crossing light</i>	3
260(2)	<i>Proceeding after stopping for red bicycle crossing light—proceeding before light changes, etc.</i>	3
261(1)	<i>Failing to stop bicycle for yellow bicycle crossing light</i>	3
262(1)	<i>Proceeding at intersection when bicycle crossing lights change to yellow from red—failing to finish crossing</i>	3
262(2)	<i>Proceeding on road when bicycle crossing lights change to yellow from red—failing to cross road</i>	3
268(1)	<i>Travelling in or on part of motor vehicle not designed primarily for carriage of passengers or goods</i>	3
268(2)	<i>Travelling in or on part of motor vehicle designed primarily for carriage of goods</i>	3
268(3)	<i>Travelling in or on motor vehicle with part of body outside window or door</i>	3
268(4)	<i>Driving motor vehicle with part of passenger's body outside window or door</i>	3
269(3)	<i>Creating hazard by opening door of vehicle, leaving door open, etc.</i>	3
274	<i>Failing to stop for red T light—tram driver</i>	3
275	<i>Failing to stop for yellow T light—tram driver</i>	3
277	<i>Proceeding after stopping for red or yellow T light—tram driver</i>	3
279(2)	<i>Proceeding when white T light or white traffic arrow no longer showing—tram driver proceeding before entering intersection</i>	3
279(3)	<i>Proceeding when white T light or white traffic arrow no longer showing—tram driver failing to leave intersection</i>	3
281	<i>Failing to stop for red B light—bus driver</i>	3
282	<i>Failing to stop for yellow B light—bus driver</i>	3
284	<i>Proceeding after stopping for red or yellow B light—bus driver</i>	3
286(2)	<i>Proceeding when white B light or white traffic arrow no longer showing—bus driver proceeding before entering intersection</i>	3

286(3)	<i>Proceeding when white B light or white traffic arrow no longer showing —bus driver failing to leave intersection</i>	3
287(1)	<i>Driver involved in crash failing to give required particulars</i>	3
288(1)	<i>Driving on path</i>	3
289(1)	<i>Driving on nature strip</i>	3
292	<i>Driving or towing vehicle carrying insecure or overhanging load</i>	3
298	<i>Driving motor vehicle towing trailer with person in trailer</i>	3

REGULATIONS UNDER THE HARBORS AND NAVIGATION ACT 1993

No. 231 of 1999

At the Executive Council Office at Adelaide 25 November 1999

PURSUANT to the *Harbors and Navigation Act 1993* and with the advice and consent of the Executive Council, I make the following regulations.

E. J. NEAL Governor

PURSUANT to section 10AA(2) of the *Subordinate Legislation Act 1978*, I certify that, in my opinion, it is necessary or appropriate that the following regulations come into operation as set out below.

DIANA LAIDLAW Minister for Transport and Urban Planning

SUMMARY OF PROVISIONS

1. Citation
2. Commencement
3. Variation of reg. 8—Interpretation
4. Variation of reg. 78—Interpretation of Part 8
5. Variation of reg. 92—Use of hire and drive vessels
6. Variation of reg. 129—Speed restrictions
7. Variation of reg. 132—Life-jackets on certain recreational vessels
8. Insertion of regs. 132A and 132B
 - 132A. Personal watercraft must display notice approved by Minister
 - 132B. Personal watercraft only to be used during certain hours
9. Variation of Sched. 4—Restricted Areas—Controls
10. Variation of Sched. 9—Structural and equipment requirements for vessels
11. Variation of Sched. 10—Speed restrictions in certain waters

Citation

1. The *Harbors and Navigation Regulations 1994* (see *Gazette* 20 October 1994 p. 987), as varied, are referred to in these regulations as "the principal regulations".

Commencement

2. These regulations will come into operation on 1 December 1999.

Variation of reg. 8—Interpretation

3. Regulation 8 of the principal regulations is varied by inserting after the definition of "partially smooth water" in subregulation (1) the following definition:

"personal watercraft" means a device that—

- (a) is propelled by a motor that produces a jet of water; and
- (b) is operated by a person who—
 - (i) sits, stands or kneels on the device; and
 - (ii) steers the device by the use of handlebars,

and includes the device commonly referred to as a jet ski;

Variation of reg. 78—Interpretation of Part 8

4. Regulation 78 of the principal regulations is varied by striking out paragraph (a) of the definition of "hire and drive small vessel" and substituting the following paragraph:

- (a) a personal watercraft; or.

Variation of reg. 92—Use of hire and drive vessels

5. Regulation 92 of the principal regulations is varied by striking out from subregulation (2)(e) "motorised jet ski or other similar device on which a person rides through water" and substituting "personal watercraft".

Variation of reg. 129—Speed restrictions

6. Regulation 129 of the principal regulations is varied—

(a) by striking out paragraphs (c) and (d) of subregulation (1);

(b) by inserting after paragraph (e) of subregulation (1) the following paragraph:

(ea) within 50 metres of—

- (i) a person in the water; or
- (ii) a vessel or buoy on which is displayed a flag indicating that there is a diver below (International Code Flag A); or
- (iii) a person in or on a canoe, kayak, surf ski, surf board, sailboard or similar small unpowered recreational vessel; or;

(c) by inserting after subregulation (3) the following subregulation:

(4) It is a defence to a charge of an offence under this regulation for the defendant to prove that the defendant was taking part in a rescue operation or otherwise acting in an emergency, or taking part in a surf life saving activity conducted by a surf life saving club.

Variation of reg. 132—Life-jackets on certain recreational vessels

7. Regulation 132 of the principal regulations is varied by striking out paragraph (b) and substituting the following paragraph:

- (b) a personal watercraft,.

Insertion of regs. 132A and 132B

8. The following regulations are inserted after regulation 132 of the principal regulations:

Personal watercraft must display notice approved by Minister

132A. (1) A personal watercraft must not be operated in the jurisdiction unless a notice specifying obligations of operators of personal watercraft (in a form and containing the information approved by the Minister) is affixed to the vessel so as to be clearly visible and legible, in daylight, from the steering position of the vessel.

(2) If a personal watercraft is operated in contravention of subregulation (1)—

- (a) the registered owner; and

- (b) if the operator is a person who is required to hold a Boat Operator's Licence—the operator,

of the vessel are each guilty of an offence.

Maximum penalty: \$1 250

Expiation fee: \$160.

Personal watercraft only to be used during certain hours

132B. (1) A person must not operate a personal watercraft—

- (a) after sunset or 8 p.m. (whichever is the earlier) on any day; or

- (b) before 9 a.m. on a Sunday or before 8 a.m. on any other day.

Maximum penalty: \$1 250

Expiation fee: \$160.

(2) It is a defence to a charge of an offence under this regulation for the defendant to prove that the defendant was taking part in a rescue operation or otherwise acting in an emergency, or taking part in a surf life saving activity conducted by a surf life saving club.

Variation of Sched. 4—Restricted Areas—Controls

9. Schedule 4 of the principal regulations is varied by striking out from item 11 in clause 1(2) "motorised jet ski" (twice occurring) and substituting, in each case, "personal watercraft".

Variation of Sched. 9—Structural and equipment requirements for vessels

10. Schedule 9 of the principal regulations is varied by striking out from clause 7(4) "motorised jet ski or other similar craft" and substituting "personal watercraft".

Variation of Sched. 10—Speed restrictions in certain waters

11. Schedule 10 of the principal regulations is varied by striking out from clause 2(d) "motorised jet ski or other similar vessel (except where the vessel is being used in a rescue operation or otherwise in an emergency, or taking part (in the waters referred to in subparagraph (i)) in a surf life saving activity conducted by a surf life saving club)" and substituting "personal watercraft".

REGULATIONS UNDER THE HARBORS AND NAVIGATION ACT 1993

No. 232 of 1999

At the Executive Council Office at Adelaide 25 November 1999

PURSUANT to the *Harbors and Navigation Act 1993* and with the advice and consent of the Executive Council, I make the following regulations.

E. J. NEAL Governor

PURSUANT to section 10AA(2) of the *Subordinate Legislation Act 1978*, I certify that, in my opinion, it is necessary or appropriate that the following regulations come into operation as set out below.

DIANA LAIDLAW Minister for Transport and Urban Planning

SUMMARY OF PROVISIONS

1. Citation
2. Commencement
3. Variation of Schedule 4
4. Variation of Schedule 5

Citation

1. The *Harbors and Navigation Regulations 1994* (see *Gazette* 20 October 1994 p. 987), as varied, are referred to in these regulations as "the principal regulations".

Commencement

2. These regulations will come into operation on 13 December 1999.

Variation of Schedule 4

3. Schedule 4 of the principal regulations is varied by inserting alphabetically in the table in clause 2 the following:

Port Vincent Area 1	Controls 3 and 5
Port Vincent Area 2	Controls 1, 4 and 10

Variation of Schedule 5

4. Schedule 5 of the principal regulations is varied by inserting alphabetically the following item:

Port Vincent

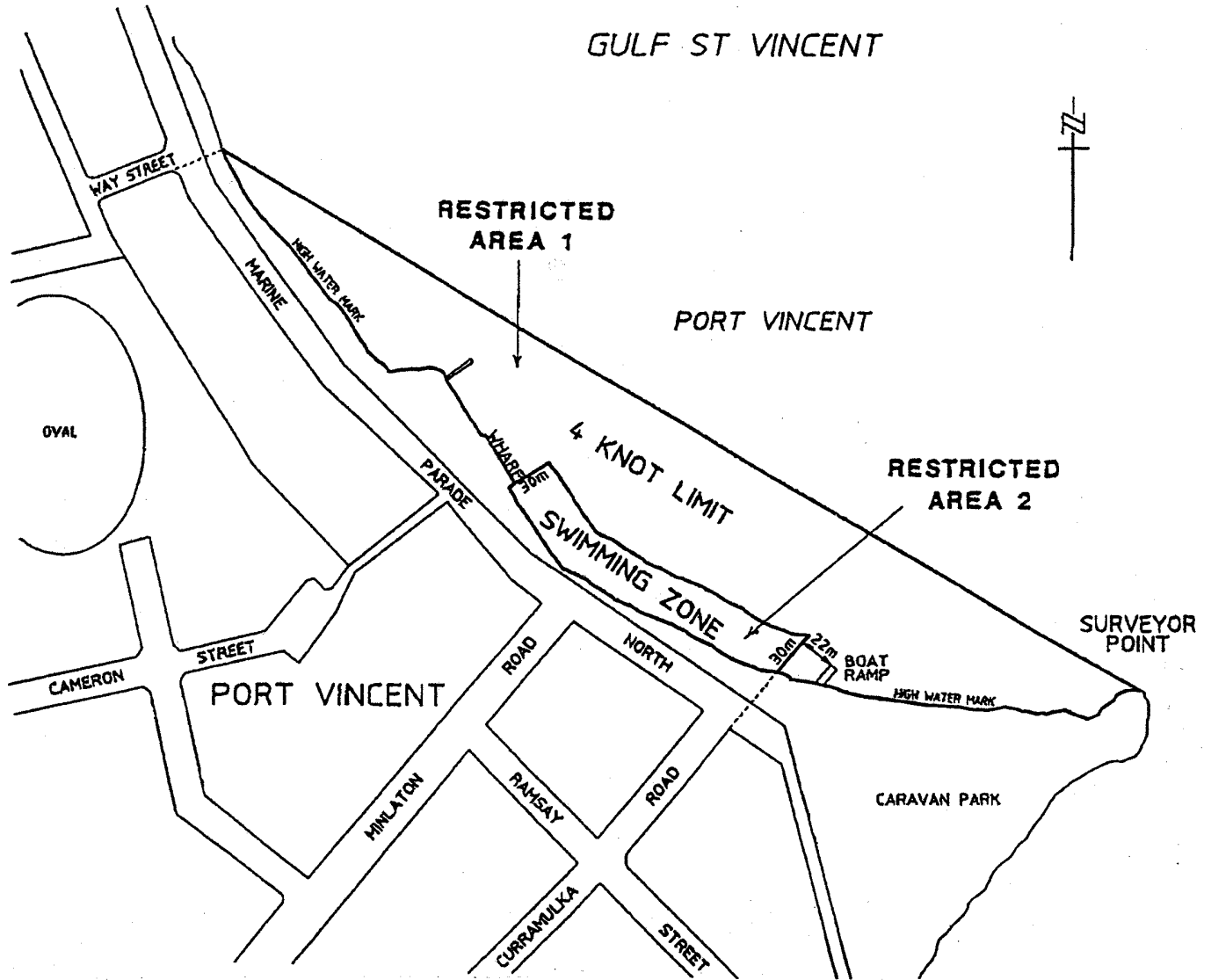
Area 1: the portion of the waters of Gulf St. Vincent at Port Vincent bounded as follows:

- on the north-east by a straight line joining Surveyor Point with a point being the intersection of the edge of the water and the prolongation seaward of the south-eastern boundary of Way Street;
- on the south-west by the edge of the water, the face of the wharf and the north-western, north-eastern and south-eastern boundaries of Area 2.

Area 2: the portion of the waters of Gulf St. Vincent at Port Vincent bounded as follows:

- on the north-west by a straight line extending seaward from the south-eastern end of the wharf and perpendicular to the face of the wharf;

- on the north-east by a line 30 metres seaward of, and parallel to, the edge of the water;
- on the south-east by a straight line being the prolongation seaward of the south-eastern boundary of Curramulka Road;
- on the south-west by the edge of the water.



DTRN 9268/99 CS

R. DENNIS Clerk of the Council

REGULATIONS UNDER THE ROAD TRAFFIC ACT 1961

No. 233 of 1999

At the Executive Council Office at Adelaide 25 November 1999

PURSUANT to the *Road Traffic Act 1961* and with the advice and consent of the Executive Council, I make the following regulations.

E. J. NEAL Governor

PURSUANT to section 10AA(2) of the *Subordinate Legislation Act 1978*, I certify that, in my opinion, it is necessary or appropriate that the following regulations come into operation as set out below.

DIANA LAIDLAW Minister for Transport and Urban Planning

SUMMARY OF PROVISIONS

1. Citation
2. Commencement
3. Interpretation
4. Schedule contains standard form conditions
5. Application of various standard form conditions

SCHEDULE*Standard Form Conditions***PART 1—ALL VEHICLES TRAVELLING UNDER NOTICES**

1. Application of Part
2. Mass limits relating to tyre width
3. Dimension limits
4. Making an unloaded vehicle smaller
5. Warning devices
6. Additional warning devices at night
7. Headlights
8. Travel restrictions at night
9. No travelling if low visibility
10. Making way for other vehicles
11. Assessing routes
12. Responsibility where property damaged
13. Keeping documents
14. Obligation to comply with other statutory requirements unaffected

PART 2—LOAD-CARRYING VEHICLES TRAVELLING UNDER NOTICES

15. Application of Part
16. Mass limits for axles and axle groups
17. Minimising width
18. Carrying goods in addition to a large indivisible item
19. Towing a low loader dolly with an unladen low loader

PART 3—SPECIAL PURPOSE VEHICLES TRAVELLING UNDER NOTICES

20. Application of Part
21. Mass limits for axles and axle groups
22. Total mass limits for special purpose vehicles
23. Side lights for travel at night
24. Markings for special purpose vehicles
25. Prohibition on towing other vehicles

PART 4—AGRICULTURAL VEHICLES TRAVELLING UNDER NOTICES

26. Application of Part
27. Mass limits
28. Dimension limits
29. Warning devices for agricultural vehicles
30. Pilot vehicle requirements for agricultural vehicles
31. Agricultural vehicles not to use freeways
32. Agricultural implements not to carry loads
33. Speed limits for agricultural implements without brakes
34. Exemption from requirement for rear vision mirrors

PART 5—ALL VEHICLES TRAVELLING UNDER PERMITS

35. Application of Part
36. Mass limits relating to tyre width
37. Warning devices
38. Making way for other vehicles
39. Responsibility where property damaged
40. Keeping documents
41. Obligation to comply with other statutory requirements unaffected

PART 6—VEHICLES TRAVELLING UNDER NOTICES OR PERMITS—CONDITIONS RELATING TO PILOT AND ESCORT VEHICLES

42. Application of Part
43. Requirements for a pilot vehicle
44. Requirements for an escort vehicle
45. Headlights on a pilot or escort vehicle
46. Restrictions on towing and loading
47. Travelling position of pilot vehicles
48. Communication between drivers

PART 7—VEHICLES TRAVELLING UNDER NOTICES OR PERMITS—CONDITIONS RELATING TO WARNING LIGHTS

49. Application of Part
50. Characteristics of warning lights
51. Visibility of warning lights
52. Warning lights to be on if required
53. Warning lights to be permanently wired

PART 8—VEHICLES TRAVELLING UNDER NOTICES OR PERMITS—CONDITIONS RELATING TO WARNING SIGNS**Division 1—Application of Part**

54. Application of Part

Division 2—Oversize vehicles and pilot vehicles

55. Face of a warning sign—oversize and pilot vehicles
56. Material for a warning sign—oversize and pilot vehicles
57. Keeping signs clean—oversize and pilot vehicles

Division 3—Oversize vehicles only

58. Size of a warning sign—oversize vehicles
59. Face of a warning sign—oversize vehicles
60. Mounting a warning sign—oversize vehicles

Division 4—Pilot vehicles only

61. Size and shape of a warning sign—pilot vehicles
62. Faces of a warning sign—pilot vehicles
63. Mounting a warning sign—pilot vehicles

PART 9—INTERPRETATION

64. References to vehicles and combinations
 65. Notes and diagrams
 66. Measuring the distance between parallel lines
 67. Application to retractable axles
 68. Application of mass limits where more than one applies
 69. Definitions
-

Citation

1. These regulations may be cited as the *Road Traffic (Oversize or Overmass Vehicle Exemptions) Regulations 1999*.

Commencement

2. These regulations will come into operation 1 December 1999.

Interpretation

3. (1) In these regulations—

"the Act" means the *Road Traffic Act 1961*.

(2) Part 9 of the Schedule contains definitions of terms used in these regulations and other interpretation provisions.

Schedule contains standard form conditions

4. For the purposes of section 115 of the Act, the Schedule contains standard form conditions to apply to the driving on a road of a vehicle or combination the subject of an oversize or overmass vehicle exemption.

Note 1: Under section 163AA of the *Road Traffic Act 1961*, the Minister may grant exemptions from specified provisions of Part 4 of the Act.

Such an exemption if granted from—

- (a) a dimension limit in the vehicle standards (*see the Road Traffic (Vehicle Standards) Rules 1999*); or
- (b) a mass or dimension limit in the mass and loading requirements (*see the Road Traffic (Mass and Loading Requirements) Regulations 1999*),

is referred to as an **oversize or overmass vehicle exemption**.

Note 2: The standard form conditions may be incorporated in an oversize or overmass vehicle exemption by referring to them rather than by setting them out in full (*see section 115(6) of the Road Traffic Act 1961*).

Application of various standard form conditions

5. (1) The standard form conditions contained in Part 1 of the Schedule apply to any vehicle or combination travelling under a notice.

(2) The standard form conditions contained in Part 2 of the Schedule apply to a load-carrying vehicle or combination travelling under a notice.

(3) The standard form conditions contained in Part 3 of the Schedule apply to a special purpose vehicle travelling under a notice.

(4) The standard form conditions contained in Part 4 of the Schedule apply to an agricultural vehicle or agricultural combination travelling under a notice.

(5) The standard form conditions contained in Part 5 of the Schedule apply to any vehicle or combination travelling under a permit.

(6) The standard form conditions contained in Part 6 of the Schedule apply to a vehicle or combination travelling under a notice or permit if the vehicle or combination is required by a condition of the notice or permit to be accompanied by a pilot vehicle or escort vehicle.

(7) The standard form conditions contained in Part 7 of the Schedule apply to a vehicle or combination travelling under a notice or permit if the vehicle or combination is required by a condition of the notice or permit to have a warning light or to be accompanied by a pilot vehicle or escort vehicle.

(8) The standard form conditions contained in Part 8 of the Schedule apply to a vehicle or combination travelling under a notice or permit if the vehicle or combination is required by a condition of the notice or permit to have a warning sign or to be accompanied by a pilot vehicle.

(9) In these regulations—

(a) a reference to a vehicle or combination **travelling under a notice** is a reference to a vehicle or combination being driven on a road under an oversize or overmass vehicle exemption granted by the Minister under section 163AA of the Act by notice published in the *Gazette*;

(b) a reference to a vehicle or combination **travelling under a permit** is a reference to a vehicle or combination being driven on a road under an oversize or overmass vehicle exemption granted by the Minister under section 163AA of the Act by instrument in writing.

Note: Under section 115 of the Act, standard form conditions apply to a vehicle or combination travelling under a notice or permit except as otherwise provided in the notice or instrument.

SCHEDULE
Standard Form Conditions

PART 1—ALL VEHICLES TRAVELLING UNDER NOTICES

Application of Part

1. Under regulation 5(1), this Part applies to any vehicle or combination travelling under a notice.

Mass limits relating to tyre width

2. (1) The mass on an axle fitted with tyres of a number and width described in Table 1 must not exceed the mass limit specified in the Table for that axle in relation to the narrowest tyre on the axle.

Table 1

Tyre width of the narrowest tyre on the axle (mm)		Mass limit if the axle has 2 tyres (tonnes)	Mass limit if the axle has 4 tyres (tonnes)
at least	but less than		
190	228	4.5	9.0
228	254	5.0	9.5
254	279	6.0	10.0
279	305	6.5	11.0
305	330	7.0	12.0
330	356	7.5	13.0
356	381	8.0	14.0
381	406	9.0	14.0
406	458	10.0	14.0
458	508	11.0	14.0
508		12.0	14.0

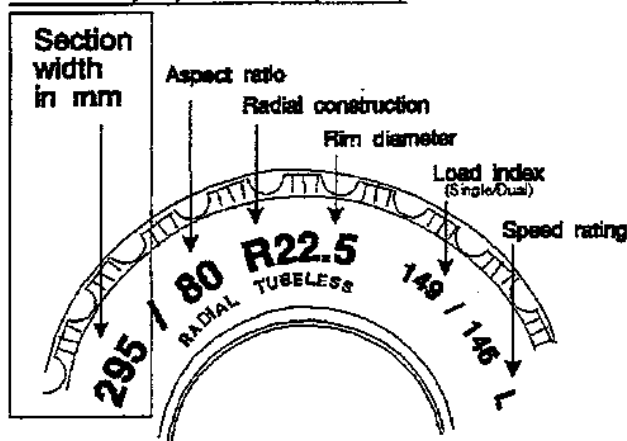
(2) The mass on an axle group fitted with tyres of a number and width described in Table 2 must not exceed the mass limit specified in the Table for that axle group in relation to the narrowest tyre in the group.

Table 2

Tyre width of the narrowest tyre in the group (mm)		Mass limit for a tandem axle group with 4 tyres (tonnes)	Mass limit for a tri-axle group with 6 tyres (tonnes)
at least	but less than		
381	406	16.5	22.0
406	431	17.0	23.0
431	458	17.5	24.0
458	482	18.0	25.0
482	508	18.5	26.0
508		19.0	27.0

(3) For the purposes of Tables 1 and 2, the tyre width of a radial ply tyre is the number of millimetres marked on the tyre in the position labelled "Section width in mm" on the diagram below.

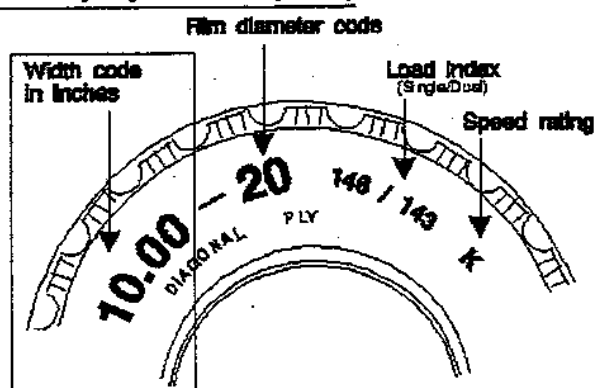
Radial Ply Tyre Size (metric)



Position of section width marking on radial ply tyre

(4) For the purposes of Tables 1 and 2, the tyre width of a bias-type tyre is the number of millimetres equal to 25.4 times the number marked on the tyre in the position labelled "Width code in inches" on the diagram below.

Bias Ply Tyre Size (code)



Position of width code marking on diagonal or bias type tyre

(5) If no section width or width code is marked on a tyre, the tyre width for the purposes of Tables 1 and 2 may be determined by measuring the width of the part of the tyre that normally comes into contact with the road surface.

Dimension limits

3. (1) A vehicle or combination described in Table 3 must not, together with any load, exceed a dimension limit specified in the Table for that vehicle or combination, or the corresponding limit in the vehicle standards or the mass and loading requirements, whichever is the greater.

Table 3

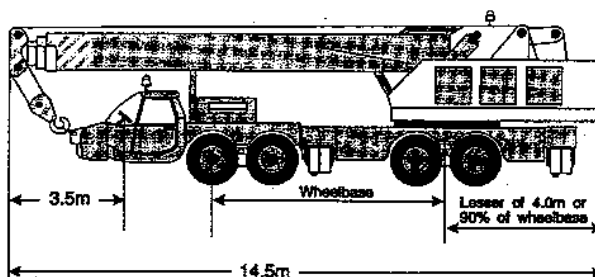
Type of vehicle or combination	Dimension	Limit (m)
Any except agricultural	Width	3.5
Any except agricultural	Height	4.6
Any combination except agricultural	Length	25.0
Special purpose vehicle	Length	14.5
Other rigid vehicle	Length	12.5
Special purpose vehicle	Distance from the rear overhang line to rear of the vehicle	Lesser of 4m and 90% of the wheelbase
Semi-trailer	Distance from the rear overhang line to the rear of the vehicle (or load)	Lesser of 5.5m and 25% of the semi-trailer's length
Special purpose vehicle	Projection in front of the centre of the steering wheel	3.5

NOTE: Dimension limits for agricultural vehicles are set out in clause 28.

The combined dimensions of a vehicle and its load must still comply with the requirements of Table 3 even if the load projects from the vehicle in any direction.

(2) Any flags, lights or mirrors required on a vehicle, combination or load must be disregarded when measuring the dimensions of a vehicle or combination for the purposes of these regulations.

(3) The centre lines of adjacent axles in an axle group on an overmass vehicle or combination must be at least 1.2m apart.



Rigid mobile crane, showing dimension limits

Making an unloaded vehicle smaller

4. An oversize vehicle without a load must be reduced to the smallest practicable dimensions, with any booms fully retracted.

Warning devices

5. (1) An oversize vehicle or combination, together with any load, that is wider than 2.5m, or longer than 25m, must have:

- (a) one warning sign at its front; and
- (b) one warning sign at its rear or, if it is carrying a rear-projecting load, at the rear of the load; and

(c) 4 brightly coloured red, yellow, or red and yellow, flags, each at least 450mm long and at least 450mm wide.

(2) One of the flags must be positioned at each side of the front and rear:

(a) of any projecting load; or

(b) if there is no projecting load—of the vehicle or combination.

(3) The flags must be clearly visible at a distance of 100m to a person of normal vision.

(4) An oversize vehicle or combination that, together with any load, is not wider than 2.5m, and whose length is more than 22m but not more than 25m, must have one warning sign at its rear or, if it is carrying a rear-projecting load, at the rear of the load.

(5) Subclauses (1) to (4) do not apply to:

(a) a road construction vehicle or combination travelling within 1 km of a construction site, if the vehicle has a warning light; or

(b) a tractor; or

(c) a rigid mobile crane less than 3m wide.

(6) If a load projects more than 150mm beyond one side of an oversize vehicle or combination, and the projection is less than 500mm thick from top to bottom, there must be:

(a) a warning light attached to the vehicle or combination; and

(b) at least two yellow, rigid pieces of material (known as "delineators"), one attached to the front and the other attached to the rear of the projection.

NOTE: If the load projects more than 150mm beyond both sides of the vehicle there must be at least 4 delineators at least one on each side at the front and at least one on each side at the rear.

(7) A delineator must:

(a) be at least 300mm long and at least 300mm wide; and

(b) comply with Class 1 or 2 of Australian Standard AS 1906, "Retro-reflective Materials and Devices for Road Traffic Control Purposes", 1990; and

(c) if at the front of the projection, be attached so that its reflective surface is facing forward of the vehicle; and

(d) if at the rear of the projection, be attached so that its reflective surface is facing rearward from the vehicle.

(8) In the daytime, an oversize vehicle or combination must display a warning light if the vehicle, together with any load, is wider than 3m.

(9) If a vehicle or combination is not required by a condition of the notice under which it is travelling to have a warning light, it must not have one that is switched on.

(10) A warning sign must not be displayed on a vehicle or combination when the vehicle or combination ceases to travel under the notice and must not be displayed on a pilot vehicle for the vehicle or combination when the pilot vehicle ceases to operate as a pilot vehicle.

- NOTE: As well as complying with subclauses (6), (7) and (8) and clause 6:
- tractors (and other agricultural vehicles) must comply with the warning requirements in clause 29; and
 - rigid mobile cranes (and other special purpose vehicles) must comply with the warning requirements in clauses 23 and 24.

Parts 7 and 8 set out requirements for warning lights and signs.

In addition to the requirements in these regulations, any load projecting more than 1.2m behind the vehicle must display warning flags in the daytime, in accordance with the mass and loading requirements.

Additional warning devices at night

6. At night, an oversize vehicle or combination must display:

- (a) lights showing yellow to the front and red to the rear (known as "side markers") no more than 2m apart along both sides of the vehicle and along any front or rear projection; and
- (b) two red lights (known as "rear markers") fixed to the rear of any rear-projecting load, within 400mm of each side of the load, and at least 1m but not more than 2.1m above the ground; and
- (c) a warning light if the vehicle or combination, together with any load, is wider than 2.5m or longer than 22m.

NOTE: Clause 23 sets out additional lighting requirements for special purpose vehicles travelling at night.

Headlights

7. (1) An oversize vehicle, or the front vehicle in an oversize combination, must have its low-beam headlights on while travelling in the daytime, unless it is not required under the vehicle standards to have headlights.

Travel restrictions at night

8. At night, a vehicle or combination that, together with any load, is wider than 3.1m or longer than 22m, must not:

- (a) travel outside an urban area; or
- (b) travel in an urban area without being accompanied by a pilot vehicle.

No travelling if low visibility

9. (1) A vehicle or combination must not begin to travel if, due to circumstances such as fog, heavy rain, smoke, dust or insect plague:

- (a) visibility is less than 250m in the daytime; or
- (b) the headlights of a vehicle approaching within 250m could not be seen at night.

(2) If a vehicle or combination is already travelling when visibility is reduced to the level described in subclause (1), the driver must drive it into the nearest safe parking area, and wait until visibility improves beyond that level before continuing to travel.

Making way for other vehicles

10. A person driving a vehicle or combination must, at regular intervals, when it is practicable to do so and there is not a separate lane available for overtaking, move off the carriageway to allow other vehicles to overtake.

Assessing routes

11. (1) Before a vehicle or combination is driven along any route, its driver and operator must be satisfied that the route has been assessed and that the vehicle or combination can be driven along it without contravening subclause (2).

(2) A vehicle or combination must not be driven along a route if to do so would be likely to cause:

- (a) disruption to telecommunication, electricity, rail, gas, water or sewage services; or
- (b) damage to a road (including a bridge), sign, post, structure, tree or other property.

(3) Subclause (2) does not apply if the authority responsible for the services or property has given permission for the vehicle or combination to travel along the route, and the vehicle or combination is driven in accordance with the permission.

Responsibility where property damaged

12. If any damage is caused to a road or property as a result of the passage of a vehicle or combination—

- (a) the driver of the vehicle or combination must ensure that the damage is reported to the owner or authority responsible for the maintenance of the road or property as soon as is reasonably practicable; and
- (b) the owner of the vehicle or the hauling unit of the combination must compensate the owner or authority for the reasonable costs of making good the damage.

Keeping documents

13. The driver of a vehicle or combination must carry in the driving compartment a copy of:

- (a) the notice under which the vehicle or combination is travelling; or
- (b) any information sheet issued by the Minister, which sets out the obligations imposed under the notice.

Obligation to comply with other statutory requirements unaffected

14. The notice under which a vehicle or combination travels, and the conditions of the exemption granted by the notice, do not relieve the driver or any other person of the obligation to comply with the requirements of the *Road Traffic Act 1961*, or the regulations or rules under that Act, or any other statutory provisions, other than the dimension or mass limits from which the vehicle or combination is exempted by the notice.

PART 2—LOAD-CARRYING VEHICLES TRAVELLING UNDER NOTICES**Application of Part**

15. Under regulation 5(2), this Part applies to a load-carrying vehicle or combination travelling under a notice.

Mass limits for axles and axle groups

16. (1) The mass on a single axle or axle group described in Table 4 must not exceed the mass limit specified opposite its description in the Table if it is in a combination consisting of a tandem drive prime mover towing:

- (a) a low loader; or
- (b) a low loader dolly and a low loader; or
- (c) a jinker; or

- (d) a low loader dolly and a jinker.

Table 4

Single axle or axle group	Mass limit (tonnes)
Steer axle with 2 tyres	6.0
Twinsteer axle group without a load-sharing suspension system	10.0
Twinsteer axle group with a load-sharing suspension system	11.0
Single axle with 8 tyres	12.0
Tandem axle group with 8 or more tyres, not on a trailer	18.5
Tandem axle group with 16 or more tyres, on a trailer	21.0
Tri-axle group with 12 or more tyres	25.0
Oversize tri-axle group with 12 or more tyres or quad axle group with 16 or more tyres	27.0

(2) The sum of the mass on each of the combination's single axles and axle groups must not exceed the sum of the mass limits specified for each of them in Table 4.

(3) In addition, the total mass of the combination and any load must not exceed:

- (a) 49.5 tonnes if the distance between the centre line of the rearmost axle of the towing vehicle and the centre line of the foremost axle of the combination's rear axle group is 6m or more; or
- (b) 49.5 tonnes decreased by 1 tonne for every 0.3m by which the distance referred to in paragraph (a) is less than 6m.



Illustration of distance for the purpose of subclause (3)

(4) The mass on an axle group or single axle must not exceed the relevant limit set by the mass and loading requirements if it is:

- (a) not described in Table 4; or
- (b) on a load-carrying vehicle or combination except one described in subclause (1).

Minimising width

17. (1) If a load can be safely loaded in more than one way, it must be loaded in a way that minimises the width of the vehicle or combination and its load.

(2) An unladen low loader, low loader dolly or jinker, with 4 tyres on each axle, must not be wider than 2.5m.

(3) An unladen low loader, low loader dolly or jinker, with 8 tyres on each axle, must not be wider than 2.7m.

Carrying goods in addition to a large indivisible item

18. (1) A vehicle or combination must not carry more than one large indivisible item unless:

- (a) the vehicle or combination and its load complies with the mass limits in the mass and loading requirements; and
- (b) the carrying of additional large indivisible items does not cause the vehicle or combination and its load to exceed a dimension limit in the mass and loading requirements that would not have been exceeded by the carrying of one of the large indivisible items.

(2) A vehicle or combination carrying one or more large indivisible items must not carry any other goods unless:

- (a) the vehicle or combination and its load complies with the mass limits in the mass and loading requirements; and
- (b) the other goods are contained within the dimension limits in the mass and loading requirements.

(3) In spite of subclause (2), a vehicle or combination carrying a special purpose vehicle or agricultural vehicle may also carry any equipment, tools, substances or detached parts to be used in conjunction with the vehicle being carried.

Towing a low loader dolly with an unladen low loader

19. An unladen low loader must not be towed in a combination with a low loader dolly unless:

- (a) the combination is 2.5m wide or less; and
- (b) it would be unreasonable to require the dolly to be loaded onto the low loader because of the short distance to be travelled, or special difficulties in loading or unloading the dolly due to the nature of the site.

PART 3—SPECIAL PURPOSE VEHICLES TRAVELLING UNDER NOTICES**Application of Part**

20. Under regulation 5(3), this Part applies to a special purpose vehicle travelling under a notice.

Mass limits for axles and axle groups

21. (1) The mass on a single axle or axle group described in Table 5 must not exceed the mass limit specified opposite its description in the Table.

Table 5

Type of Axle or Axle group	Mass limit (tonnes)
Single axle or single axle group fitted with:	
(a) single tyres	7
(b) dual tyres	10
Twinsteer axle group:	
(a) without a load-sharing suspension system	10
(b) with a load-sharing suspension system	14
Tandem axle group fitted with single tyres	14
Tri-axle group fitted with single tyres	18

(2) The mass on a tandem axle group fitted with dual tyres, where the centre lines of the axles are less than 1.35m apart, must not exceed 20 tonnes:

- (a) decreased by 1 tonne for each 100mm by which the axle group's ground contact width is less than 2.4m; or
- (b) increased by 1 tonne for each 100mm by which the axle group's ground contact width exceeds 2.5m, but not increased to more than 27 tonnes.

(3) The mass on a tandem axle group fitted with dual tyres, where the centre lines of the axles are at least 1.35m apart, must not exceed 23 tonnes:

- (a) decreased by 1 tonne for each 100mm by which the axle group's ground contact width is less than 2.4m; or
- (b) increased by 1 tonne for each 100mm by which the axle group's ground contact width exceeds 2.5m, but not increased to more than 27 tonnes.

(4) The mass on a tri-axle group fitted with dual tyres, where the centre lines of the axles are less than 1.35m apart, must not exceed 25 tonnes, decreased by 1 tonne for each 100mm by which the axle group's ground contact width is less than 2.4m.

NOTE: Under clause 3(3) the centre lines of the axles must be at least 1.2 metres apart.

(5) The mass on a tri-axle group fitted with dual tyres, where the centre lines of the axles are at least 1.35m apart, must not exceed 27 tonnes, decreased by 1 tonne for each 100mm by which the axle group's ground contact width is less than 2.4m.

Total mass limits for special purpose vehicles

22. The total mass of a special purpose vehicle must not exceed the least of:

- (a) the sum of the mass allowed for each single axle and axle group on the vehicle; and
- (b) 40 tonnes; and
- (c) the mass worked out using the following formula:

$$\text{Mass in tonnes} = 3L + 15G$$

where:

"L" is the distance in metres between the centre lines of the vehicle's foremost and rearmost axles; and

"G" is a number of tonnes:

- (a) to be added at the rate of 1 tonne for each 100mm by which the ground contact width of the rearmost axle exceeds 2.5m; or

- (b) to be subtracted at the rate of 1 tonne for each 100mm by which the ground contact width of the rearmost axle is less than 2.4m.

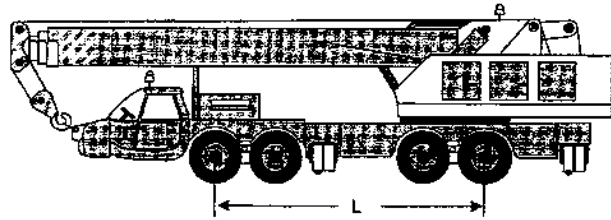


Illustration of distance "L"

Side lights for travel at night

23. (1) When travelling at night, a special purpose vehicle with a projection extending more than 1.2m in front of the vehicle body must have a yellow light fixed on each side of the projection, mounted as far forward as possible, and shielded from the driver's view.

(2) Both lights must be visible to any traffic approaching the vehicle from its front, and at least one of the lights must be visible to any traffic approaching the vehicle from either side.

Markings for special purpose vehicles

24. (1) Rear marker plates complying with ADR 13/00 must be displayed at the rearmost part of the body of a special purpose vehicle.

(2) A pattern covering an area one of at least 0.16 square metres and consisting of diagonal stripes at least 150mm wide and alternately coloured:

- (a) red and white; or
- (b) black and white,

must be displayed on the left and right sides of any rigid projection extending more than 1.2m in front of the body of a special purpose vehicle, if it is practicable to do so.

Prohibition on towing other vehicles

25. A special purpose vehicle must not tow a vehicle.

PART 4—AGRICULTURAL VEHICLES TRAVELLING UNDER NOTICES

Application of Part

26. Under regulation 5(4), this Part applies to an agricultural vehicle or agricultural combination travelling under a notice.

Mass limits

27. The mass on an axle described in Table 6, on an agricultural machine or implement with 2 axles, must not exceed the mass limit specified opposite its description in the Table.

Table 6

Number of tyres on an axle	Mass limit (tonnes)
Axle fitted with 2 tyres	9.0
Axle fitted with 4 tyres and a ground contact width less than 2.51m	9.0
Axle fitted with 4 tyres and a ground contact width at least 2.51m but not more than 3.5m	10.5
Axle fitted with 4 tyres and a ground contact width more than 3.5m	12.0

Dimension limits

28. (1) The height of an agricultural vehicle must not exceed 4.6m.

(2) On an agricultural machine or implement, the distance from the rear overhang line to the rear of the vehicle must not exceed 4.5m (except for augers or conveyors, on which the distance must not exceed 5.5m).

(3) The length of an agricultural machine must not exceed 12.5m.

(4) The width and length of an agricultural machine or combination described in Table 7, in an area determined by the Minister to be in a category specified in Table 7, must not exceed the limits specified opposite that category in the Table.

Table 7

Category of Area	Width limit for an agricultural machine or agricultural combination	Length limit for an agricultural combination
	metres	metres
Category 1	2.5	19
Category 2	3.5	25
Category 3	3.7	25
Category 4	7.5	30

Warning devices for agricultural vehicles

29. (1) An agricultural vehicle or combination which is wider than 2.5m, or an agricultural combination which is longer than 22m, must have a warning light fixed to its highest practicable point when it is on a road specified as being a major road in the notice under which the vehicle or combination is travelling.

(2) A warning sign must be displayed at the rear of an agricultural implement being towed by a tractor.

NOTE: Under clause 5, single tractors do not have to be fitted with warning signs.

(3) A pattern covering an area of at least 0.16 square metres and consisting of diagonal stripes at least 150mm wide and alternately coloured:

- (a) red and white; or
- (b) black and white;

must be displayed at the sides of the rear of any auger, conveyor, or harvester comb carried on a comb trailer.

(4) Any part of an axle extending more than 150mm from the outside wall of a tractor's tyre must be painted fluorescent yellow or have yellow fluorescent or other high-visibility material wrapped around it.

NOTE: See clauses 5 and 6 for additional warning requirements for agricultural vehicles.

Pilot vehicle requirements for agricultural vehicles

30. (1) An agricultural vehicle or combination of a width described in Table 8 must be accompanied by pilot vehicles in accordance with the Table when operated in an area determined by the Minister to be in a category specified in the Table and on a road of a kind specified in the Table.

Table 8

Category of area and kind of road	Width of vehicle in metres	Requirement as to pilot vehicles
Category 1—any road	≧ 2.5	Pilot vehicles not required
Category 2—any road	> 2.5 ≧ 3.5	Pilot vehicles not required but may be used at the discretion of the operator.
Category 3—any road	> 2.5 ≧ 3.0	Pilot vehicles not required
	> 3.0 ≧ 3.7	One pilot vehicle required unless there is a clear view of the agricultural vehicle or combination from all points on the road on which it is operating within 500 metres ahead of or behind the vehicle or combination
Category 4—major road	> 2.5 ≧ 3.7	Pilot vehicles not required
	> 3.7 ≧ 6.0	One pilot vehicle required unless there is a clear view of the agricultural vehicle or combination from all points on the road on which it is operating within 500 metres ahead of or behind the vehicle or combination
	> 6.0 ≧ 7.5	Two pilot vehicles required
Category 4—any road other than a major road	> 2.5 ≧ 3.7	Pilot vehicles not required
	> 3.7 ≧ 7.5	One pilot vehicle required unless there is a clear view of the agricultural vehicle or combination from all points on the road on which it is operating within 500 metres ahead of or behind the vehicle or combination

(2) For the purposes of Table 8, a reference to a major road is a reference to a road specified as being a major road in the notice under which the vehicle or combination is travelling.

Agricultural vehicles not to use freeways

31. An oversize agricultural vehicle or combination must not be driven on a freeway.

Agricultural implements not to carry loads

32. An agricultural implement must not carry a load.

Speed limits for agricultural implements without brakes

33. An agricultural implement without brakes must not be towed at a speed greater than the lesser of:

- (a) 20km an hour less than the speed limit set under the *Road Traffic Act 1961*; and
- (b) 50km an hour.

Exemption from requirement for rear vision mirrors

34. A vehicle towing an agricultural implement wider than 3.5m, which obscures the view to the rear of the vehicle, is exempt from any requirement under the vehicle standards to have a rear vision mirror fitted.

PART 5—ALL VEHICLES TRAVELLING UNDER PERMITS**Application of Part**

35. Under regulation 5(5), this Part applies to any vehicle or combination travelling under a permit.

Mass limits relating to tyre width

36. (1) The mass on an axle fitted with tyres of a number and width described in Table 9 must not exceed the mass limit specified in the Table for that axle in relation to the narrowest tyre on the axle.

Table 9

Tyre width of the narrowest tyre on the axle (mm)		Mass limit if the axle has 2 tyres (tonnes)	Mass limit if the axle has 4 tyres (tonnes)
at least	but less than		
190	228	4.5	9.0
228	254	5.0	9.5
254	279	6.0	10.0
279	305	6.5	11.0
305	330	7.0	12.0
330	356	7.5	13.0
356	381	8.0	14.0
381	406	9.0	14.0
406	458	10.0	14.0
458	508	11.0	14.0
508		12.0	14.0

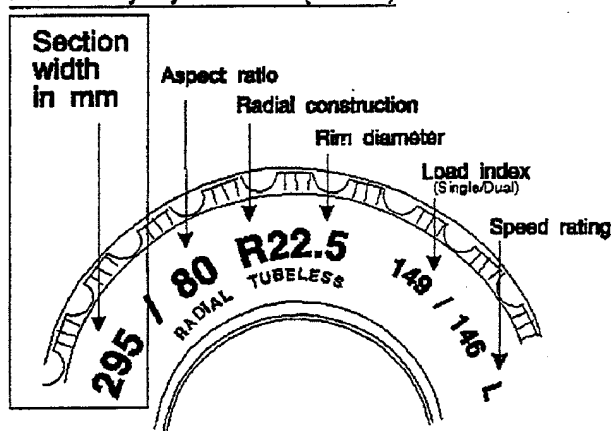
(2) The mass on an axle group fitted with tyres of a number and width described in Table 10 must not exceed the mass limit specified in the Table for that axle group in relation to the narrowest tyre in the group.

Table 10

Tyre width of the narrowest tyre in the group (mm)		Mass limit for a tandem axle group with 4 tyres (tonnes)	Mass limit for a tri-axle group with 6 tyres (tonnes)
at least	but less than		
381	406	16.5	22.0
406	431	17.0	23.0
431	458	17.5	24.0
458	482	18.0	25.0
482	508	18.5	26.0
508		19.0	27.0

(3) For the purposes of Tables 9 and 10, the tyre width of a radial ply tyre is the number of millimetres marked on the tyre in the position labelled "Section width in mm" on the diagram below.

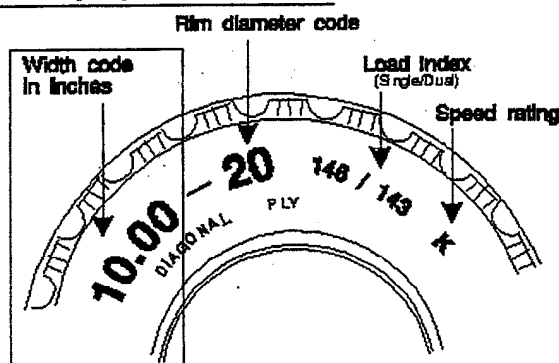
Radial Ply Tyre Size (metric)



Position of section width marking on radial ply tyre

(4) For the purposes of Tables 9 and 10, the tyre width of a bias-type tyre is the number of millimetres equal to 25.4 times the number marked on the tyre in the position labelled "Width code in inches" on the diagram below.

Bias Ply Tyre Size (code)



Position of width code marking on diagonal or bias type tyre

(5) If no section width or width code is marked on a tyre, the tyre width for the purposes of Tables 9 and 10 may be determined by measuring the width of the part of the tyre that normally comes into contact with the road surface.

Warning devices

37. (1) If a vehicle or combination is not required by a condition of the permit under which it is travelling to have a warning light, it must not have one that is switched on.

(2) A warning sign must not be displayed on a vehicle or combination when the vehicle or combination ceases to travel under the permit and must not be displayed on a pilot vehicle for the vehicle or combination when the pilot vehicle ceases to operate as a pilot vehicle.

Making way for other vehicles

38. A person driving a vehicle or combination must, at regular intervals, when it is practicable to do so and there is not a separate lane available for overtaking, move off the carriageway to allow other vehicles to overtake.

Responsibility where property damaged

39. If any damage is caused to a road or property as a result of the passage of a vehicle or combination—

- (a) the driver of the vehicle or combination must ensure that the damage is reported to the owner or authority responsible for the maintenance of the road or property as soon as is reasonably practicable; and
- (b) the owner of the vehicle or the hauling unit of the combination must compensate the owner or authority for the reasonable costs of making good the damage.

Keeping documents

40. The driver of a vehicle or combination must carry in the driving compartment a copy of the permit under which the vehicle or combination is travelling.

Obligation to comply with other statutory requirements unaffected

41. The permit under which a vehicle or combination travels, and the conditions of the exemption granted by the permit, do not relieve the driver or any other person of the obligation to comply with the requirements of the *Road Traffic Act 1961*, or the regulations or rules under that Act, or any other statutory provisions, other than the dimension or mass limits from which the vehicle or combination is exempted by the permit.

**PART 6—VEHICLES TRAVELLING UNDER NOTICES OR PERMITS—CONDITIONS
RELATING TO PILOT AND ESCORT VEHICLES****Application of Part**

42. Under regulation 5(6), this Part applies to a vehicle or combination travelling under a notice or permit if the vehicle or combination is required by a condition of the notice or permit to be accompanied by a pilot vehicle or escort vehicle.

Requirements for a pilot vehicle

43. (1) A pilot vehicle must have 4 or more wheels and a GVM of:

- (a) 6.5 tonnes or less in the case of a rear pilot vehicle if two pilot vehicles are required; or
- (b) 4.5 tonnes or less in any other case.

(2) A pilot vehicle must have a warning sign on its roof.

(3) A pilot vehicle must only have a warning light attached:

- (a) above or below the sign; or
- (b) at each side of the sign.

NOTE: Parts 7 and 8 set out requirements for warning lights and signs.

Requirements for an escort vehicle

44. (1) An escort vehicle other than a police motor cycle must have:

- (a) 4 or more wheels; and
- (b) a GVM of 4.5 tonnes or less; and
- (c) on its roof a light that flashes or two lights that flash when switched on.

(2) A light referred to in subclause (1) must flash yellow unless the vehicle is a police vehicle or a vehicle authorised by the Minister and the light is of a colour approved under the vehicle standards.

Headlights on a pilot or escort vehicle

45. The low-beam headlights on a pilot vehicle or escort vehicle must be switched on when it is accompanying an oversize vehicle or combination during the daytime.

Restrictions on towing and loading

46. A pilot or escort vehicle must not tow a trailer or carry a load, but it may carry tools, equipment or substances for use in connection with the oversize vehicle or combination that it is accompanying or for restraining the load on that vehicle or combination.

Travelling position of pilot vehicles

47. (1) When 1 pilot vehicle accompanies an oversize vehicle or combination, the pilot vehicle must travel:

- (a) behind the oversize vehicle or combination if they are on a divided road; or
- (b) in front of the oversize vehicle or combination if they are on a road that is not divided.

(2) When 2 pilot vehicles accompany an oversize vehicle or combination, one pilot vehicle must travel in front of the oversize vehicle or combination, and the other behind it.

(3) A pilot vehicle must travel far enough away from the oversize vehicle or combination it is accompanying to give adequate warning to other road users of the presence of the oversize vehicle or combination, taking into account traffic speed, weather, visibility and other driving conditions.

Communication between drivers

48. (1) An oversize vehicle or combination and any accompanying pilot or escort vehicle must have an electronic device that allows the drivers to communicate effectively with each other.

(2) Subclause (1) does not apply to:

- (a) an oversize agricultural machine; or
- (b) an oversize combination that includes an agricultural machine.

PART 7—VEHICLES TRAVELLING UNDER NOTICES OR PERMITS—CONDITIONS RELATING TO WARNING LIGHTS

Application of Part

49. Under regulation 5(7), this Part applies to a vehicle or combination travelling under a notice or permit if the vehicle or combination is required by a condition of the notice or permit to have a warning light or to be accompanied by a pilot vehicle or escort vehicle.

Characteristics of warning lights

50. When switched on, a warning light on an oversize vehicle or combination or pilot vehicle must:

- (a) emit a rotating, flashing, yellow coloured light; and
- (b) flash between 120 and 200 times a minute; and
- (c) have a power of at least 55 watts; and
- (d) not be a strobe light.

Visibility of warning lights

51. (1) A warning light on an oversize vehicle or combination or a pilot or escort vehicle must be:

- (a) clearly visible at a distance of 500m in all directions; or
- (b) supplemented by one or more additional warning lights so that the light emanating from at least one of them is clearly visible at a distance of 500m in any direction.

(2) In spite of subclause (1), in the case of a pilot vehicle travelling in front of an oversize vehicle or combination, a filter may be placed behind the warning light on the pilot vehicle, to reduce the intensity of the light directed to the driver of the oversize vehicle or combination.

Warning lights to be on if required

52. (1) Any warning light which an oversize vehicle or combination is required to have must only be switched on when the vehicle or combination is travelling or is stationary in a position that is likely to cause danger to other road users.

(2) Any warning light which a pilot or escort vehicle is required to have must be switched on when the vehicle is travelling and accompanying an oversize vehicle or combination.

Warning lights to be permanently wired

53. (1) Any warning light which an oversize vehicle or combination or a pilot or escort vehicle is required to have must be permanently connected into the electrical system of the vehicle with the on/off switch located within easy reach of the driver's seating position in the vehicle.

(2) In spite of subclause (1), permanently wired standard automotive electrical connectors may be used to allow easy electrical disconnection and removal of the warning light when it is not required for use.

PART 8—VEHICLES TRAVELLING UNDER NOTICES OR PERMITS—CONDITIONS RELATING TO WARNING SIGNS**Division 1—Application of Part****Application of Part**

54. (1) Under regulation 5(8), this Part applies to a vehicle or combination travelling under a notice or permit if the vehicle or combination is required by a condition of the notice or permit to have a warning sign or to be accompanied by a pilot vehicle.

(2) A warning sign on the vehicle or combination or a pilot vehicle accompanying the vehicle or combination must comply with the specifications in this Part.

Division 2—Oversize vehicles and pilot vehicles**Face of a warning sign—oversize and pilot vehicles**

55. (1) The face of a warning sign must have a yellow surface which complies with Class 1 or 2 of Australian Standard AS 1906, "Retro-reflective Materials and Devices for Road Traffic Control Purposes", Parts 1 to 4 (inclusive).

(2) The face of the warning sign must have a black border at least 20mm wide.

(3) The outermost edge of the border must be set at least 10mm in from the edge of the sign unless the sign has been made with a box edge.

(4) The warning sign must have its manufacturer's name or trademark permanently marked in letters at least 3mm but not more than 10mm high.

(5) The marking may appear in any visible location on the sign, except in a bottom corner of a sign used on a pilot vehicle.

Material for a warning sign—oversize and pilot vehicles

56. (1) A warning sign must be made of stiff, flat, weatherproof material.

NOTE: Zinalume at least 0.8mm thick, and aluminium at least 1.6mm thick are examples of material which would comply with subclause (1).

(2) In spite of subclause (1), the rear sign on an oversize vehicle or combination may be made of flexible material if the load is unsuitable for a stiff sign.

Keeping signs clean—oversize and pilot vehicles

57. A warning sign on a vehicle must be kept clean enough so that it can be easily read by other road users.

Division 3—Oversize vehicles only**Size of a warning sign—oversize vehicles**

58. (1) A warning sign on an oversize vehicle or combination must be at least 1200mm long and at least 450mm high.

(2) The sign may be split into two parts, in which case the combined length of its parts must be at least 1200mm.

Face of a warning sign—oversize vehicles

59. (1) A warning sign on an oversize vehicle or combination must show the word "OVERSIZE", in black upper-case lettering, conforming with Australian Standard AS 1744, "Forms of Letters and Numerals for Road Signs", in typeface Series C(N).

(2) The lettering must be at least 200mm high.

(3) The top and the bottom of the lettering must be at least 125mm from the top and bottom of the sign, respectively.

(4) If the sign is split into two parts:

- (a) the part mounted on the left must show the letters "OVER" and the part mounted on the right must show the letters "SIZE"; and
- (b) there must be no border between the two parts, in spite of clause 55(2) and (3).



Illustration of a warning sign for an oversize vehicle or combination

Mounting a warning sign—oversize vehicles

60. (1) A warning sign on an oversize vehicle or combination must be mounted vertically.

(2) The lower edge of the sign must be:

- (a) above the bottom of the bumper bar; or
- (b) if there is no bumper bar—at least 500mm from the ground level.

(3) If the sign is split into two parts, each part must be fitted at the same height as the other.

Division 4—Pilot vehicles only

Size and shape of a warning sign—pilot vehicles

61. (1) A warning sign on a pilot vehicle must be at least 1200mm long and at least 600mm high.

(2) The sign may have bottom corner cut-outs not more than 150mm wide and not more than 100mm high if they are needed for mounting the warning lights.

Faces of a warning sign—pilot vehicles

62. (1) Both faces of a warning sign on a pilot vehicle must show:

- (a) the word "OVERSIZE", in black upper-case lettering at least 200mm high, conforming with Australian Standard AS 1744, "Forms of Letters and Numerals for Road Signs", in typeface Series C(N); and
- (b) the words "LOAD AHEAD", in black upper-case lettering at least 100mm high, conforming with Australian Standard AS 1744, "Forms of Letters and Numerals for Road Signs", in typeface Series D(N).

(2) The bottom of the lettering of the word "OVERSIZE" must be at least 300mm from the bottom of the sign.

(3) The bottom of the lettering of the words "LOAD AHEAD" must be at least 100mm from the bottom of the sign.



Illustration of a warning sign for a pilot vehicle

Mounting a warning sign—pilot vehicles

63. A warning sign on a pilot vehicle must not lean back so that there is more than 200mm measured horizontally from the top of the sign to a vertical line running through the bottom of the sign.

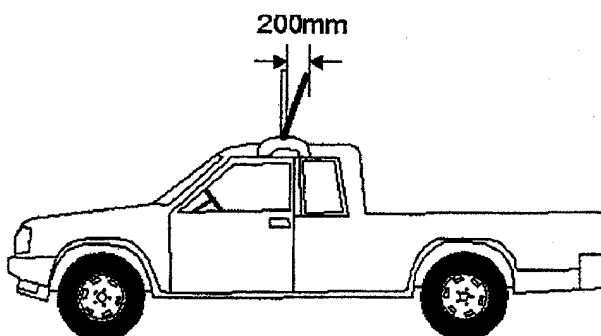


Illustration of maximum slant of warning sign

PART 9—INTERPRETATION**References to vehicles and combinations**

64. In these regulations, a reference to:

- (a) a **vehicle or combination** is a reference to a vehicle or combination that is oversize or overmass or both;
- (b) an **oversize vehicle or combination** is a reference to a vehicle or combination that is oversize, or oversize and overmass; and
- (c) an **overmass vehicle or combination** is a reference to a vehicle or combination that is overmass, or overmass and oversize.

Notes and diagrams

65. (1) A note does not form part of these regulations.

(2) Unless the contrary intention appears, a diagram in these regulations is illustrative only and does not form part of these regulations.

Measuring the distance between parallel lines

66. In these regulations, a reference to a distance between 2 lines that are parallel means the distance measured at right angles between the lines.

Application to retractable axles

67. For the purposes of these regulations, a retractable axle must be taken to be an axle when it is in the lowered position and must be taken not to be an axle when it is in the raised position.

Application of mass limits where more than one applies

68. If two or more mass limits apply to the same axle or axle group as a result of the application of provisions in Table 1, 2, 4, 5, 6, 9 or 10, or in any two or more of those Tables, the axle or axle group must comply with the lower or lowest of those limits.

Definitions

69. In these regulations, unless the contrary intention appears:

"**ADR**" (Australian Design Rule) means a national standard under the *Motor Vehicle Standards Act 1989* of the Commonwealth as in force from time to time;

"**agricultural combination**" means a combination that includes at least one agricultural vehicle;

"**agricultural implement**" means a vehicle without its own motive power, built to perform agricultural tasks;

"**agricultural machine**" means a machine with its own motive power, built to perform agricultural tasks;

NOTE: Examples of agricultural implements are irrigating equipment, augers, conveyors, empty field bins, harvester fronts, and machinery fully carried on the three-point linkage of a tractor.

Examples of agricultural machines are tractors and harvesters.

"**agricultural vehicle**" means an agricultural implement or agricultural machine;

"**at night**" means during the period between sunset and sunrise;

"**Australian Standard**" means a standard, approved for publication on behalf of the Council of the Standards Association of Australia, as in force at the commencement of these regulations, or, if the provision in which the expression appears commenced after the commencement of these regulations, as in force at the commencement of that provision;

"**axle**" means one or more shafts positioned in a line across a vehicle, on which one or more wheels intended to support the vehicle turn;

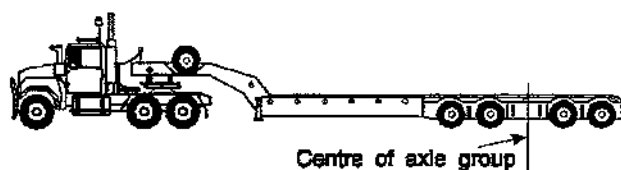
"**axle group**" means a single axle group, tandem axle group, twinsteer axle group, tri-axle group or quad axle group;

"**centre line**", in relation to an axle, means:

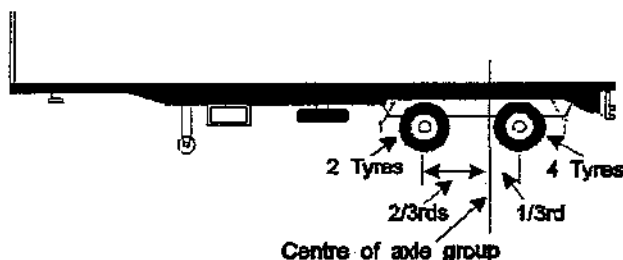
- (a) in the case of an axle consisting of one shaft—a line parallel to the length of the axle and passing through its centre; and
- (b) in the case of an axle consisting of 2 shafts—a line that is in the vertical plane passing through the centre of both shafts and that passes through the centres of the wheels on the shafts;

"**centre of an axle group**" means:

- (a) a line located midway between the centre lines of the outermost axles of the group; or
- (b) if the group consists of 2 axles, one of which is fitted with twice the number of tyres as the other axle—a line located one third of the way from the centre line of the axle with more tyres towards the centre line of the axle with fewer tyres;



Centre of a typical quad axle group fitted with an equal number of tyres on each axle



Centre of a typical tandem axle group fitted with an unequal number of tyres on each axle

"**combination**" means a group of vehicles consisting of a motor vehicle connected to one or more vehicles;

"**converter dolly**" means a trailer with one tandem axle group or single axle and a fifth wheel coupling, designed to convert a semi-trailer into a dog trailer;

"**daytime**" means the period beginning at sunrise and ending at sunset;

"**escort vehicle**" means a vehicle that is being used:

- (a) to transport a police officer, or other person authorised to direct traffic; and
- (b) to warn other road users of the presence of an oversize vehicle or combination;

"**fifth wheel coupling**" means a device, other than the upper rotating element and the kingpin (which are parts of a semi-trailer), used with a prime mover, semi-trailer or a converter dolly to permit quick coupling and uncoupling and to provide for articulation;

"**freeway**" means a length of road to which a freeway sign applies in accordance with the *Australian Road Rules*;

"**ground contact width**":

- (a) in relation to an axle, means the distance between the outermost point of ground contact of the outside tyres on each end of the axle; and
- (b) in relation to an axle group, means the greatest ground contact width of all the axles in the group;

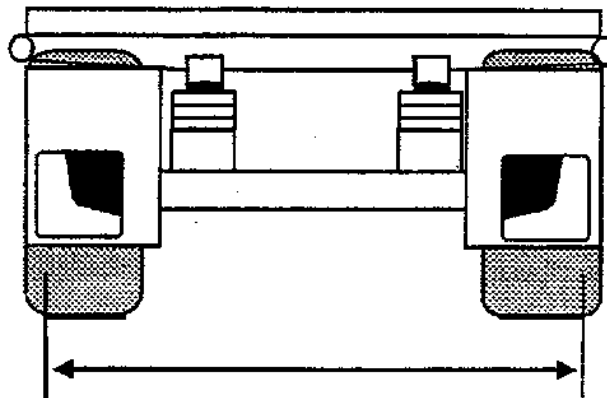


Illustration of ground contact width of an axle

"**GVM**" (gross vehicle mass) means the maximum loaded mass of a vehicle:

- (a) as specified by the manufacturer; or
- (b) as specified by the vehicle registration authority if:
 - (i) the manufacturer has not specified a maximum loaded mass; or
 - (ii) the manufacturer cannot be identified; or
 - (iii) the vehicle has been modified to the extent that the manufacturer's specification is no longer appropriate;

"**hauling unit**" means the lead motor vehicle which forms part of a combination;

"**jinker**" means an axle or axle group which is built to support part of a load, and is connected to the vehicle in front of it by a pole or cable or the load itself, if any;

"**km**" means kilometres;

"**large indivisible item**" means an item that:

- (a) cannot be divided without extreme effort, expense or risk of damage to it; and
- (b) cannot be carried on any vehicle or combination without exceeding a mass or dimension limit in the mass and loading requirements;

"**load**", in relation to a vehicle, includes anything that is normally removed from the vehicle when not in use;

"**load-carrying**", in relation to a vehicle or combination, means a vehicle or combination that is carrying, or is built to carry, a load;

"**load-sharing suspension system**" means an axle group suspension system that:

- (a) is built to divide the load between the tyres on the group so that no tyre carries a mass more than 10% greater than the mass it would carry if the load were divided equally; and
- (b) has effective damping characteristics on all axles of the group;

"**low-beam**", in relation to a headlight or front fog light fitted to a vehicle, means built or adjusted so that, when the vehicle is standing on level ground, the top of the main beam of light projected is:

- (a) not higher than the centre of the headlight or fog light, when measured at a point 8m in front of the vehicle; and
- (b) not more than 1m higher than the level on which the motor vehicle is standing, when measured at a point 25m in front of the vehicle;

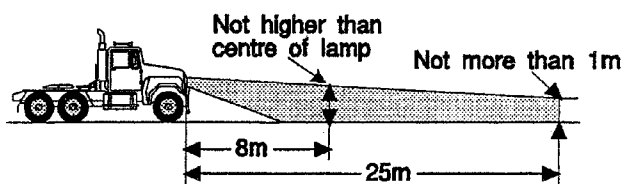


Illustration of a low-beam headlight

"**low loader**" means a gooseneck semi-trailer with a loading deck no more than 1m above the ground;

"**low loader dolly**" means a mass-distributing device that:

- (a) is usually coupled between a prime mover and a low loader; and
- (b) consists of a gooseneck rigid frame; and
- (c) does not directly carry any load on itself; and
- (d) is equipped with one or more axles, a king pin and a fifth wheel coupling;

"**m**" means metres;

"**mm**" means millimetres;

"**mass and loading requirements**" means the mass and loading requirements contained in the *Road Traffic (Mass and Loading Requirements) Regulations 1999*;

"**notice**" means an oversize or overmass vehicle exemption granted by the Minister under Part 4 of the Act by notice published in the *Gazette*;

"**overmass**" means having a mass that, including the mass of any load, exceeds a relevant mass limit in the mass and loading requirements;

"**oversize**" means having a dimension that, including the dimension of any load, exceeds a relevant dimension limit in the vehicle standards or the mass and loading requirements;

"**oversize tri-axle group**" means a group of 3 axles in which the horizontal distance between the centre lines of the outermost axles is more than 3.2 m;

"**permit**" means an oversize or overmass vehicle exemption granted by the Minister under Part 4 of the Act by instrument in writing;

"**pilot vehicle**" means a vehicle being used to warn other road users of the presence of an oversize vehicle or combination;

"**prime mover**" means a motor vehicle built to tow a semi-trailer;

"**quad axle group**" means a group of 4 axles, in which the horizontal distance between the centre lines of the outermost axles is more than 3.2m but not more than 4.9m;

"**rear overhang line**" means:

- (a) if there is a single axle at the rear of the vehicle—the centre line of the axle; or
- (b) if there is an axle group at the rear of the vehicle—the centre of the axle group, determined without regard to the presence of any steerable axle or retractable axle in the group unless all axles in the group are steerable or retractable.

"**retractable axle**" means an axle that can be raised so that the tyres on the axle do not touch the ground;

NOTE: See clause 67 as to the application of this Schedule to vehicles with retractable axles.

"**semi-trailer**" means a trailer that has:

- (a) one axle group or single axle towards the rear; and
- (b) a means of attachment to a prime mover that would result in some of the load being imposed on the prime mover;

"**single axle**" means an axle not forming part of an axle group;

"**single axle group**" means a group of 2 or more axles, in which the horizontal distance between the centre lines of the outermost axles is less than 1m;

"**special purpose vehicle**" means a motor vehicle, other than a tow truck or an agricultural vehicle, built for a purpose other than carrying a load, except for water in the case of concrete pumps and fire trucks;

"**tandem axle group**" means a group of at least 2 axles, in which the horizontal distance between the centre lines of the outermost axles is at least 1m, but not more than 2m;

"**tri-axle group**" means a group of at least 3 axles, in which the horizontal distance between the centre lines of the outermost axles is more than 2m, but not more than 3.2m;

"**twinsteer axle group**" means a group of 2 axles:

- (a) with single tyres; and
- (b) fitted to a motor vehicle; and
- (c) connected to the same steering mechanism; and
- (d) the horizontal distance between the centre lines of which is at least 1m, but not more than 2m.

"**vehicle registration authority**", in relation to a vehicle, means:

- (a) the authority that last registered the vehicle; or
- (b) if the vehicle has never been registered—the authority responsible for registering vehicles in the State or Territory in which the vehicle is used or is intended to be used;

"**vehicle standards**" means the *Road Traffic (Vehicle Standards) Rules 1999*;

"**warning light**" means a light that complies with the specifications in Part 7;

"**warning sign**" means a sign that complies with Part 8;

"**wheelbase**", in relation to a vehicle, means the distance from the centre line of the vehicle's foremost axle to the rear overhang line.

REGULATIONS UNDER THE ROAD TRAFFIC ACT 1961

No. 234 of 1999

At the Executive Council Office at Adelaide 25 November 1999

PURSUANT to the *Road Traffic Act 1961* and with the advice and consent of the Executive Council, I make the following regulations.

E. J. NEAL Governor

PURSUANT to section 10AA(2) of the *Subordinate Legislation Act 1978*, I certify that, in my opinion, it is necessary or appropriate that the following regulations come into operation as set out below.

DIANA LAIDLAW Minister for Transport and Urban Planning

SUMMARY OF PROVISIONS

1. Citation
2. Commencement
3. Schedule contains mass and loading requirements
4. Interpretation
5. Application of the mass and loading requirements
6. Proof of loading offences
7. Declaring buses to be complying buses

SCHEDULE 1

Mass and Loading Requirements for Heavy Vehicles

PART 1—MASS LIMITS

1. Mass limit for a single vehicle
2. Mass limits for tyres, wheels and axles
3. Mass limits relating to axle spacing
4. Mass limits for combinations

PART 2—SIZE AND PROJECTION OF LOADS

5. Size limits
6. Front and side projections
7. Rear projections
8. Dangerous projections

PART 3—PLACING AND SECURING LOADS

9. Loading obligations
10. Trailers

SCHEDULE 2

Mass and Loading Requirements for Light Vehicles

1. Mass limit for a single light vehicle
2. Mass of vehicle towed by light vehicle
3. Application of Parts 2 and 3 of Schedule 1

DICTIONARY

Citation

1. These regulations may be cited as the *Road Traffic (Mass and Loading Requirements) Regulations 1999*.

Commencement

2. These regulations will come into operation 1 December 1999.

Schedule contains mass and loading requirements

3. The Schedules contain mass and loading requirements made pursuant to section 113 of the *Road Traffic Act 1961*.

Note 1: Section 114 of the *Road Traffic Act 1961* provides that the driver and the owner and the operator of a vehicle driven or towed on a road are each guilty of an offence if the vehicle or a load on the vehicle does not comply with the mass and loading requirements. For that purpose, "vehicle" includes a combination.

Note 2: Under section 161A of the *Road Traffic Act 1961*, certain vehicles can only be driven on roads with the approval of the Minister.

Interpretation

4. (1) A definition in the dictionary at the end of these regulations applies to each use of the word or expression in these regulations, unless the contrary intention appears.

(2) A note does not form part of these regulations.

(3) A diagram appearing in these regulations is illustrative only.

Application of the mass and loading requirements

5. (1) Except as provided in Schedule 2, Schedule 1 applies only to the following (**heavy vehicles**):

(a) vehicles with a GVM exceeding 4.5 tonnes;

(b) combinations that include a vehicle with a GVM exceeding 4.5 tonnes.

(2) Schedule 2 applies to other vehicles (**light vehicles**).

(3) Neither Schedule 1 nor Schedule 2 applies to a vehicle or combination that is used only on a railway or tramway.

Proof of loading offences

6. (1) In proceedings for a failure to comply with clause 9 (1), (2) or (3) of Schedule 1 (relating to loading a vehicle), it is sufficient for the prosecution to prove that the load on the vehicle was not placed, secured or restrained (as the case requires) in a way that met the performance standards recommended in the *Load Restraint Guide* as amended from time to time and published by the Australian Government Publishing Service.

(2) If the prosecution in proceedings for a failure to comply with clause 9 (2) of Schedule 1 (relating to securing a load on a vehicle) proves that the load, or part of the load, had fallen off the vehicle, the burden of proof is on the defendant to show compliance.

Declaring buses to be complying buses

7. (1) This regulation applies to a bus with two or three axles and a single steer axle that:

- (a) is not fitted with a compliance plate in accordance with the *Motor Vehicle Standards Act 1989* of the Commonwealth, as in force from time to time; or
- (b) is fitted with a compliance plate in accordance with that Act but the compliance plate indicates that the bus was manufactured before 1 July 1994.

(2) The Registrar of Motor Vehicles may declare that a bus equipped with an approved air suspension system is a complying bus for the purposes of these regulations if the Registrar is satisfied that the bus meets:

- (a) the emergency exit specifications in ADR 44; and
- (b) the rollover strength specifications in ADR 59; and
- (c) the occupant protection specifications in ADR 68.

SCHEDULE 1*Mass and Loading Requirements for Heavy Vehicles***PART 1—MASS LIMITS****Mass limit for a single vehicle**

1. The total mass of a vehicle and any load must not exceed the vehicle's GVM.

Mass limits for tyres, wheels and axles

2. (1) The mass on a wheel or axle must not exceed the limit set by its manufacturer.

(2) The mass on a tyre must not exceed the greatest load capacity determined for the tyre by the manufacturer at a cold inflation pressure that does not exceed:
 - (a) 825 kilopascals for a radial ply tyre; or
 - (b) 700 kilopascals for any other tyre.
- (3) The mass on an axle group or single axle must not exceed the limit provided for it in Table 1.
- (4) The mass limit in Table 1 that applies to an axle group that includes a retractable axle must be determined as if the axle did not exist, unless subclause (5) applies.
- (5) A retractable axle is part of an axle group for the purposes of Table 1 if, when the mass on the group exceeds:
 - (a) 6 tonnes, in the case of a tandem axle group; or
 - (b) 11 tonnes, in the case of a tri-axle group,

the tyres on the axle are in contact with the ground and the load-sharing suspension system is operating on each axle (including the retractable axle) and tyre in the group.

- (6) The sum of the mass on the axle groups and single axles on a vehicle or combination must not exceed:
 - (a) in the case of a complying bus without a trailer:
 - (i) if the complying bus has 2 axles—16.0 tonnes; and
 - (ii) if the complying bus has a rear tandem axle group fitted with single tyres on one axle and dual tyres on the other axle—20.0 tonnes; and
 - (iii) if the complying bus has a rear tandem axle group fitted with dual tyres on both axles—22.5 tonnes; and
 - (b) in the case of a combination consisting of a complying bus and a trailer—the sum of the mass limit specified for the bus in paragraph (a) and the mass limits of the axle groups and single axles of the trailer as provided in Table 1; and
 - (c) in any other case—the sum of the mass limits of the axle groups and axles, as provided in Table 1.

Table 1

MASS LIMITS FOR SINGLE AXLES AND AXLE GROUPS

Description of single axle or axle group	Mass Limit (tonnes)
Single axles and single axle groups	
Single steer axle on:	
(a) a complying bus	6.5
(b) any other motor vehicle	6.0
Single axle or single axle group fitted with single tyres with section width of:	
(a) less than 375 mm	6.0
(b) at least 375 mm but less than 450 mm	6.7
(c) at least 450 mm	7.0
Single axle or single axle group fitted with dual tyres on:	
(a) a pig trailer	8.5
(b) a complying bus or a bus licensed to carry standing passengers	10.0
(c) any other vehicle	9.0
Twinsteer axle groups	
Twinsteer axle group without a load-sharing suspension system	10.0
Twinsteer axle group with a load-sharing suspension system	11.0
Tandem axle groups	
Tandem axle group fitted with single tyres with section width of:	
(a) less than 375 mm	11.0

Table 1 - continued

Description of single axle or axle group	Mass Limit (tonnes)
(b) at least 375 mm but less than 450 mm	13.3
(c) at least 450 mm	14.0
Tandem axle group fitted with single tyres on one axle and dual tyres on the other axle on:	
(a) a complying bus	14.0
(b) any other vehicle	13.0
Tandem axle group fitted with dual tyres on:	
(a) a pig trailer	15.0
(b) any other vehicle	16.5
Tri-axle groups	
Tri-axle group on a vehicle fitted with single tyres with section width of less than 375 mm on all axles, or single tyres on 1 or 2 axles and dual tyres on the other axle or axles	15.0
Tri-axle group on a pig trailer with either single tyres with section width of at least 375 mm, dual tyres on all axles, or a combination of those tyres	18.0
Tri-axle group, on a vehicle other than a pig trailer, with either single tyres with section width of at least 375 mm, dual tyres, or a combination of those tyres	20.0
Quad-axle groups	
Quad-axle group fitted with single tyres with section width of less than 375 mm	15.0
Quad-axle group fitted with single tyres with section width of at least 375 mm or dual tyres	20.0

Mass limits relating to axle spacing

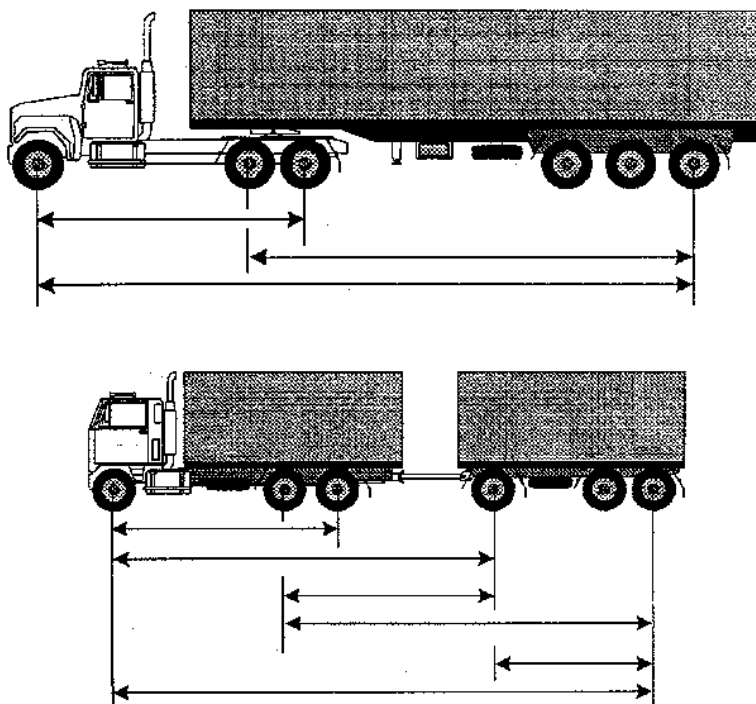
3. (1) If the total mass of a vehicle or a combination, and any load, cannot lawfully exceed 42.5 tonnes, the mass limits in Table 2 must not be exceeded in relation to the distances set out in the Table that apply to the vehicle or combination.

(2) In the case of a road train, the mass limits in Table 3 must not be exceeded in relation to the distances set out in the Table that apply to the road train.

(3) In the case of a B-double, the mass limits in Table 4 must not be exceeded in relation to the distances set out in the Table that apply to the B-double.

(4) Each distance in Table 2, 3 or 4 refers to:

- (a) the distance from the centre of any single axle to the centre of any other single axle; or
- (b) the distance from the centre of any single axle to the centre of the furthest axle in any axle group; or
- (c) the greatest distance between the centres of axles in any 2 axle groups.



Measurement of distances for Tables 2, 3 and 4

(5) The mass limits in Table 2, 3 or 4 apply to the sum of the mass on each axle group or single axle in the distance referred to in the Table, including the axles between which the distance is measured.

(6) The total mass of a vehicle or a combination, and any load, must not exceed 15 tonnes if the distance between any 2 axles that are not part of the same axle group is less than 2.5 metres.

Table 2

MASS LIMITS RELATING TO AXLE SPACING (OTHER THAN ROAD TRAINS AND B-DOUBLES)

Distance (metres)		Mass limit (tonnes)	Distance (metres)		Mass limit (tonnes)
exceeding	not exceeding		exceeding	not exceeding	
0	3.7	23.0	6.8	7.0	33.0
3.7	3.8	23.5	7.0	7.2	33.5
3.8	4.0	24.0	7.2	7.3	34.0
4.0	4.2	24.5	7.3	7.5	34.5
4.2	4.3	25.0	7.5	7.7	35.0
4.3	4.5	25.5	7.7	7.8	35.5
4.5	4.7	26.0	7.8	8.0	36.0
4.7	4.8	26.5	8.0	8.2	36.5
4.8	5.0	27.0	8.2	8.3	37.0
5.0	5.2	27.5	8.3	8.5	37.5
5.2	5.3	28.0	8.5	8.7	38.0
5.3	5.5	28.5	8.7	8.8	38.5
5.5	5.7	29.0	8.8	9.0	39.0
5.7	5.8	29.5	9.0	9.2	39.5
5.8	6.0	30.0	9.2	9.3	40.0
6.0	6.2	30.5	9.3	9.5	40.5
6.2	6.3	31.0	9.5	9.7	41.0
6.3	6.5	31.5	9.7	9.8	41.5
6.5	6.7	32.0	9.8	10.0	42.0
6.7	6.8	32.5	10.0		42.5

Table 3

MASS LIMITS RELATING TO AXLE SPACING (ROAD TRAINS)

Distance (metres)		Mass limit (tonnes)	Distance (metres)		Mass limit (tonnes)
exceeding	not exceeding		exceeding	not exceeding	
3.5	3.7	23.0	10.2	10.3	43.0
3.7	3.8	23.5	10.3	10.5	43.5
3.8	4.0	24.0	10.5	10.7	44.0
4.0	4.2	24.5	10.7	10.8	44.5
4.2	4.3	25.0	10.8	11.0	45.0
4.3	4.5	25.5	11.0	11.2	45.5
4.5	4.7	26.0	11.2	11.3	46.0
4.7	4.8	26.5	11.3	11.5	46.5
4.8	5.0	27.0	11.5	11.7	47.0
5.0	5.2	27.5	11.7	11.8	47.5
5.2	5.3	28.0	11.8	12.0	48.0
5.3	5.5	28.5	12.0	12.2	48.5
5.5	5.7	29.0	12.2	12.3	49.0
5.7	5.8	29.5	12.3	12.5	49.5
5.8	6.0	30.0	12.5	12.7	50.0
6.0	6.2	30.5	12.7	12.8	50.5
6.2	6.3	31.0	12.8	13.0	51.0
6.3	6.5	31.5	13.0	13.2	51.5
6.5	6.7	32.0	13.2	13.3	52.0
6.7	6.8	32.5	13.3	13.5	52.5
6.8	7.0	33.0	13.5	13.7	53.0
7.0	7.2	33.5	13.7	13.8	53.5
7.2	7.3	34.0	13.8	14.0	54.0
7.3	7.5	34.5	14.0	14.2	54.5
7.5	7.7	35.0	14.2	14.3	55.0
7.7	7.8	35.5	14.3	14.5	55.5
7.8	8.0	36.0	14.5	14.7	56.0
8.0	8.2	36.5	14.7	14.8	56.5
8.2	8.3	37.0	14.8	15.0	57.0
8.3	8.5	37.5	15.0	15.2	57.5
8.5	8.7	38.0	15.2	15.3	58.0
8.7	8.8	38.5	15.3	15.5	58.5
8.8	9.0	39.0	15.5	15.7	59.0
9.0	9.2	39.5	15.7	15.8	59.5
9.2	9.3	40.0	15.8	16.0	60.0
9.3	9.5	40.5	16.0	16.2	60.5
9.5	9.7	41.0	16.2	16.3	61.0
9.7	9.8	41.5	16.3	16.5	61.5
9.8	10.0	42.0	16.5	16.7	62.0
10.0	10.2	42.5	16.7	16.8	62.5

Table 3 - continued

MASS LIMITS RELATING TO AXLE SPACING (ROAD TRAINS)

Distance (metres)		Mass limit (tonnes)	Distance (metres)		Mass limit (tonnes)
exceeding	not exceeding		exceeding	not exceeding	
16.8	17.0	63.0	23.5	23.7	83.0
17.0	17.2	63.5	23.7	23.8	83.5
17.2	17.3	64.0	23.8	24.0	84.0
17.3	17.5	64.5	24.0	24.2	84.5
17.5	17.7	65.0	24.2	24.3	85.0
17.7	17.8	65.5	24.3	24.5	85.5
17.8	18.0	66.0	24.5	24.7	86.0
18.0	18.2	66.5	24.7	24.8	86.5
18.2	18.3	67.0	24.8	25.0	87.0
18.3	18.5	67.5	25.0	25.2	87.5
18.5	18.7	68.0	25.2	25.3	88.0
18.7	18.8	68.5	25.3	25.5	88.5
18.8	19.0	69.0	25.5	25.7	89.0
19.0	19.2	69.5	25.7	25.8	89.5
19.2	19.3	70.0	25.8	26.0	90.0
19.3	19.5	70.5	26.0	26.2	90.5
19.5	19.7	71.0	26.2	26.3	91.0
19.7	19.8	71.5	26.3	26.5	91.5
19.8	20.0	72.0	26.5	26.7	92.0
20.0	20.2	72.5	26.7	26.8	92.5
20.2	20.3	73.0	26.8	27.0	93.0
20.3	20.5	73.5	27.0	27.2	93.5
20.5	20.7	74.0	27.2	27.3	94.0
20.7	20.8	74.5	27.3	27.5	94.5
20.8	21.0	75.0	27.5	27.7	95.0
21.0	21.2	75.5	27.7	27.8	95.5
21.2	21.3	76.0	27.8	28.0	96.0
21.3	21.5	76.5	28.0	28.2	96.5
21.5	21.7	77.0	28.2	28.3	97.0
21.7	21.8	77.5	28.3	28.5	97.5
21.8	22.0	78.0	28.5	28.7	98.0
22.0	22.2	78.5	28.7	28.8	98.5
22.2	22.3	79.0	28.8	29.0	99.0
22.3	22.5	79.5	29.0	29.2	99.5
22.5	22.7	80.0	29.2	29.3	100.0
22.7	22.8	80.5	29.3	29.5	100.5
22.8	23.0	81.0	29.5	29.7	101.0
23.0	23.2	81.5	29.7	29.8	101.5
23.2	23.3	82.0	29.8	30.0	102.0
23.3	23.5	82.5	30.0	30.2	102.5

Table 3 - continued

MASS LIMITS RELATING TO AXLE SPACING (ROAD TRAINS)

Distance (metres)		Mass limit (tonnes)	Distance (metres)		Mass limit (tonnes)
exceeding	not exceeding		exceeding	not exceeding	
30.2	30.3	103.0	32.3	32.5	109.5
30.3	30.5	103.5	32.5	32.7	110.0
30.5	30.7	104.0	32.7	32.8	110.5
30.7	30.8	104.5	32.8	33.0	111.0
30.8	31.0	105.0	33.0	33.2	111.5
31.0	31.2	105.5	33.2	33.3	112.0
31.2	31.3	106.0	33.3	33.5	112.5
31.3	31.5	106.5	33.5	33.7	113.0
31.5	31.7	107.0	33.7	33.8	113.5
31.7	31.8	107.5	33.8	34.0	114.0
31.8	32.0	108.0	34.0	34.2	114.5
32.0	32.2	108.5	34.2	34.3	115.0
32.2	32.3	109.0	34.3	34.5	115.5

Table 4

MASS LIMITS RELATING TO AXLE SPACING (B-DOUBLES)

Distance (metres)		Mass limit (tonnes)	Distance (metres)		Mass limit (tonnes)
exceeding	not exceeding		exceeding	not exceeding	
0	3.7	23.0	7.2	7.3	34.0
3.7	3.8	23.5	7.3	7.5	34.5
3.8	4.0	24.0	7.5	7.7	35.0
4.0	4.2	24.5	7.7	7.8	35.5
4.2	4.3	25.0	7.8	8.0	36.0
4.3	4.5	25.5	8.0	8.2	36.5
4.5	4.7	26.0	8.2	8.3	37.0
4.7	4.8	26.5	8.3	8.5	37.5
4.8	5.0	27.0	8.5	8.7	38.0
5.0	5.2	27.5	8.7	8.8	38.5
5.2	5.3	28.0	8.8	9.0	39.0
5.3	5.5	28.5	9.0	9.2	39.5
5.5	5.7	29.0	9.2	9.3	40.0
5.7	5.8	29.5	9.3	9.5	40.5
5.8	6.0	30.0	9.5	9.7	41.0
6.0	6.2	30.5	9.7	9.8	41.5
6.2	6.3	31.0	9.8	10.0	42.0
6.3	6.5	31.5	10.0	10.2	42.5
6.5	6.7	32.0	10.2	10.3	43.0
6.7	6.8	32.5	10.3	10.5	43.5
6.8	7.0	33.0	10.5	10.7	44.0
7.0	7.2	33.5	10.7	10.8	44.5

Table 4 - continued

MASS LIMITS RELATING TO AXLE SPACING (B-DOUBLES)

Distance (metres)		Mass limit (tonnes)	Distance (metres)		Mass limit (tonnes)
exceeding	not exceeding		exceeding	not exceeding	
10.8	11.0	45.0	16.0	16.3	53.5
11.0	11.2	45.5	16.3	16.7	54.0
11.2	11.3	46.0	16.7	17.0	54.5
11.3	11.7	46.5	17.0	17.3	55.0
11.7	12.0	47.0	17.3	17.7	55.5
12.0	12.3	47.5	17.7	18.0	56.0
12.3	12.7	48.0	18.0	18.3	56.5
12.7	13.0	48.5	18.3	18.7	57.0
13.0	13.3	49.0	18.7	19.0	57.5
13.3	13.7	49.5	19.0	19.3	58.0
13.7	14.0	50.0	19.3	19.7	58.5
14.0	14.3	50.5	19.7	20.0	59.0
14.3	14.7	51.0	20.0	20.3	59.5
14.7	15.0	51.5	20.3	20.7	60.0
15.0	15.3	52.0	20.7	21.0	60.5
15.3	15.7	52.5	21.0		62.5
15.7	16.0	53.0			

Mass limits for combinations

4. (1) The total mass of a combination other than a road train or B-double, and any load, must not exceed 42.5 tonnes.

(2) The loaded mass of a dog trailer or pig trailer must not exceed the loaded mass of the towing vehicle.

(3) The total mass of a combination, and any load, must not exceed the towing vehicle's GCM.

(4) If:

- (a) the manufacturer of a motor vehicle forming part of a road train or B-double has not determined the GCM of the vehicle; or
- (b) the manufacturer cannot be identified; or
- (c) the vehicle has been modified to the extent that the manufacturer's specification is no longer appropriate,

the GCM of the vehicle is to be determined by the Registrar of Motor Vehicles as a mass not exceeding the mass determined in accordance with the following formula if the Registrar is the vehicle registration authority in relation to the vehicle:

$$\text{Mass in kg} = \frac{\mathbf{K} \times \mathbf{M} \times \mathbf{R} \times \mathbf{T}}{16}$$

where:

K means:

- (a) 0.055 if a single drive axle is fitted to the motor vehicle; or
- (b) 0.053 if a single drive tandem axle group is fitted to the motor vehicle; or
- (c) 0.051 if a dual drive tandem axle group is fitted to the motor vehicle;

M means the number of tyre revolutions per kilometre as specified by the tyre manufacturer for the tyres fitted to the driving axle or axles;

R means the overall gear reduction between engine and drive wheels;

T means the maximum engine net torque in newton-metres.

(5) The total mass of a road train, and any load, must not exceed 115.5 tonnes.

(6) The total mass of a B-double, and any load, must not exceed 62.5 tonnes.

PART 2—SIZE AND PROJECTION OF LOADS

Size limits

5. (1) A vehicle or a combination, and its load, must not exceed a size limit set for the vehicle or combination in the vehicle standards.

(2) The distance measured at right angles between the rear overhang line of a vehicle and the rear of any load it is carrying must not exceed the rear overhang that the vehicle is allowed under the vehicle standards.

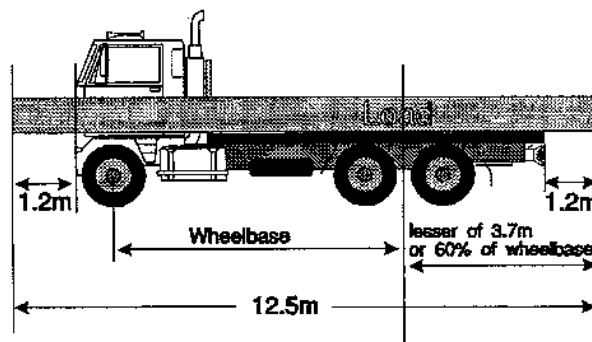
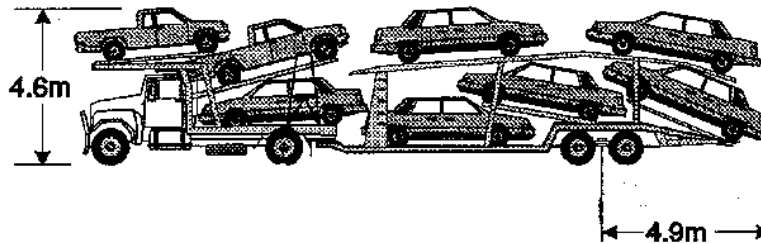


Illustration of:

- front projection limit; and
- rear overhang limit from vehicle standards; and
- maximum rear projection of load allowed without a warning signal.

(3) In spite of subclauses (1) and (2):

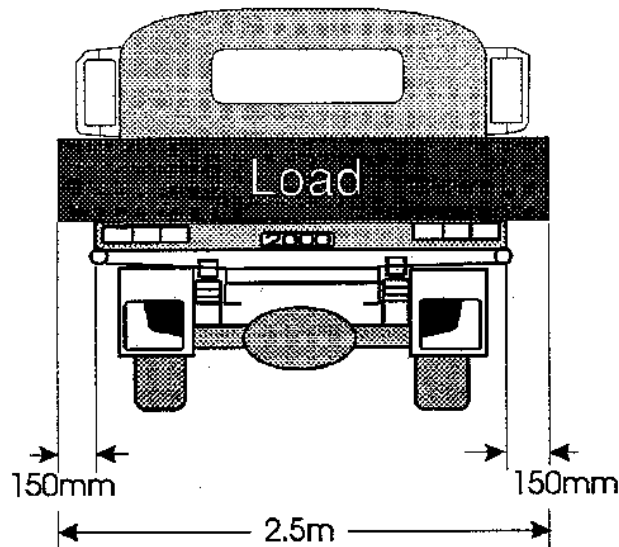
- (a) the height of a vehicle that is carrying vehicles on more than one deck, and its load, must not exceed 4.6 metres; and
- (b) the distance measured at right angles between the rear overhang line of a trailer carrying vehicles on more than one deck and the rear of the rearmost vehicle on the trailer must not exceed 4.9 metres.



Height limit and rear overhang limit of a loaded car carrier

Front and side projections

6. A load on a vehicle must not project more than 1.2 metres in front of the vehicle, or more than 150 millimetres from the outermost part of either side of it.



Vehicle loaded to width limits referred to in clause 5(1), with maximum side projection of load allowed under clause 6

NOTE: The combined dimensions of a vehicle and its load must still meet the requirements of clause 5 even if the load projects from the vehicle in any direction.

Rear projections

7. (1) The rear of a load on a vehicle must carry a warning signal if the load:

- (a) projects more than 1.2 metres behind the vehicle; or
- (b) projects to the rear of the vehicle so that the end of the load cannot be seen easily from behind; or
- (c) is on a pole-type trailer.

(2) In daytime, the warning signal must be a brightly coloured flag or piece of material, with each side at least 300 millimetres long.

(3) In the night-time, the warning signal must be a red light which can be seen for 200 metres.

Dangerous projections

8. A load on a vehicle must not project in a way that is dangerous to a person or to property, even if all dimension and warning requirements are met.

PART 3—PLACING AND SECURING LOADS

Loading obligations

9. (1) A load on a vehicle must not be placed in a way that makes the vehicle unstable or unsafe.

(2) A load on a vehicle must be secured so that it is unlikely to fall or be dislodged from the vehicle.

(3) An appropriate method must be used to restrain the load on a vehicle.

Trailers

10. (1) A trailer in a combination must be securely coupled to the vehicle in front of it.

(2) The components of a coupling used between vehicles must be compatible and properly connected to each other.

SCHEDULE 2*Mass and Loading Requirements for Light Vehicles***Mass limit for a single light vehicle**

1. (1) The mass of any load on a vehicle must not exceed a maximum specified by the vehicle's manufacturer.

(2) The total mass of a vehicle and any load must not exceed a maximum specified by the vehicle's manufacturer.

Mass of vehicle towed by light vehicle

2. The loaded mass of a vehicle towed by another vehicle must not exceed—

- (a) the capacity of the towing apparatus of the towing vehicle; or
- (b) a mass specified by the manufacturer of the towing vehicle as the maximum mass of a vehicle that may be towed by the towing vehicle; or
- (c) if a mass is not specified by the manufacturer of the towing vehicle as referred to in paragraph (b) and the towed vehicle is fitted with brakes that may be operated by the driver of the towing vehicle—one and a half times the unloaded mass of the towing vehicle; or
- (d) if a mass is not specified by the manufacturer of the towing vehicle as referred to in paragraph (b) and the towed vehicle is not fitted with brakes that may be operated by the driver of the towing vehicle—the unloaded mass of the towing vehicle.

Application of Parts 2 and 3 of Schedule 1

3. Parts 2 and 3 of Schedule 1 also apply to light vehicles.

DICTIONARY

In these regulations—

"**ADR**" (Australian Design Rule) means a national standard under the *Motor Vehicle Standards Act 1989* of the Commonwealth, as in force from time to time;

"**approved air suspension system**", in relation to a vehicle, means a suspension system in which:

- (a) vertical movement between each axle and the body of the vehicle is controlled by variations in the pressure of air in an air spring; and
- (b) the proportion of the vehicle's mass that is borne by the air spring remains substantially constant despite variations in the pressure of air in the air spring;

"**axle**" means one or more shafts positioned in a line across a vehicle, on which one or more wheels intended to support the vehicle turn;

"**axle group**" means a single axle group, tandem axle group, twinsteer axle group, tri-axle group or quad-axle group;

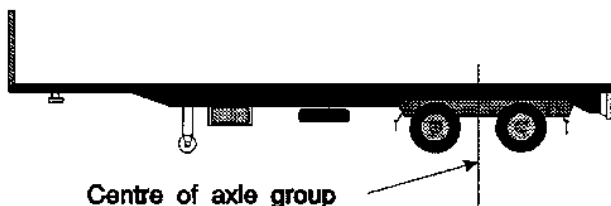
"**B-double**" means a combination consisting of a prime mover towing 2 semi-trailers where the first semi-trailer is connected to the prime mover by a fifth wheel coupling and the second semi-trailer is connected to the first semi-trailer by a fifth wheel coupling;



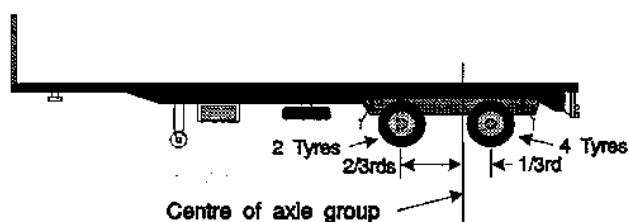
Typical B-double

"**centre of an axle group**" means:

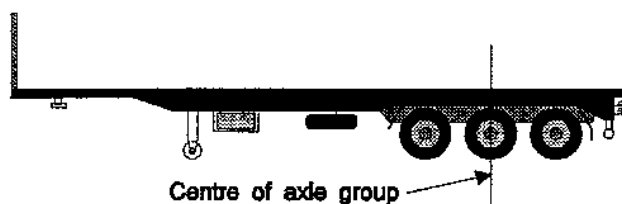
- (a) a line located midway between the centre-lines of the outermost axles of the group; or
- (b) if the group consists of 2 axles, one of which is fitted with twice the number of tyres as the other axle—a line located one third of the way from the centre-line of the axle with more tyres towards the centre-line of the axle with fewer tyres;



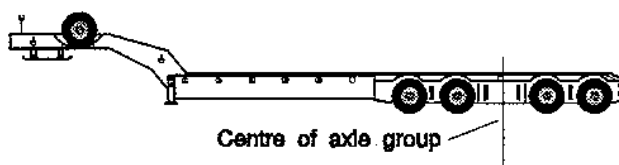
Centre of a typical tandem axle group fitted with an equal number of tyres on each axle



Centre of a typical tandem axle group fitted with a different number of tyres on each axle



Centre of a typical tri-axle group



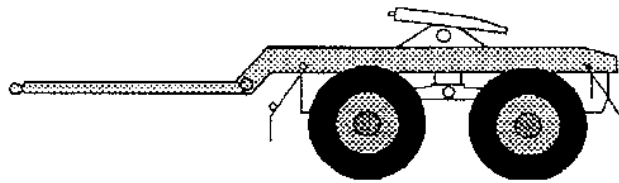
Centre of a typical quad-axle group

"combination" means a group of vehicles consisting of a motor vehicle connected to one or more vehicles;

"complying bus" means:

- (a) a bus with 2 or 3 axles and a single steer axle that:
 - (i) is fitted with a compliance plate in accordance with the *Motor Vehicle Standards Act 1989* of the Commonwealth, as in force from time to time, indicating that the bus was manufactured during or after July 1994; and
 - (ii) meets the emergency exit specifications in ADR 44; and
 - (iii) meets the rollover strength specifications in ADR 59; and
 - (iv) meets the occupant protection specifications in ADR 68; and
 - (v) is equipped with an approved air suspension system; or
- (b) a bus that is the subject of a declaration under regulation 7 or under a corresponding law of another State or a Territory;

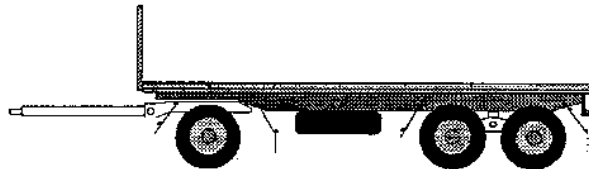
"**converter dolly**" means a trailer with one tandem axle group or single axle and a fifth wheel coupling designed to convert a semi-trailer into a dog trailer;



Typical converter dolly

"**dog trailer**" means a trailer (including a trailer consisting of a semi-trailer and converter dolly) with:

- (a) one axle group or single axle at the front that is steered by connection to the towing vehicle by a drawbar; and
- (b) one axle group or single axle at the rear;



Typical dog trailer

"**drawbar**" means a part of a trailer (other than a semi-trailer) that connects the trailer body to a coupling for towing purposes;

"**fifth wheel coupling**" means a device, other than the upper rotating element and the kingpin (which are parts of a semi-trailer), used with a prime mover, semi-trailer or a converter dolly to permit quick coupling and uncoupling and to provide for articulation;

"**GCM**" (gross combination mass), in relation to a motor vehicle, means the greatest possible sum of the maximum loaded mass of the motor vehicle and of any vehicles that may lawfully be towed by it at one time:

- (a) as specified by the motor vehicle's manufacturer:
 - (i) on a plate fixed to the vehicle by the manufacturer; or
 - (ii) if the manufacturer has not specified the sum of the maximum loaded mass on a plate fixed to the vehicle—in another place; or
- (b) as specified by the vehicle registration authority if:
 - (i) the manufacturer has not specified the sum of the maximum loaded mass; or
 - (ii) the manufacturer cannot be identified; or
 - (iii) the vehicle has been modified to the extent that the manufacturer's specification is no longer appropriate;

"GVM" (gross vehicle mass) means the maximum loaded mass of a vehicle:

- (a) as specified by the manufacturer; or
- (b) as specified by the vehicle registration authority if:
 - (i) the manufacturer has not specified a maximum loaded mass; or
 - (ii) the manufacturer cannot be identified; or
 - (iii) the vehicle has been modified to the extent that the manufacturer's specification is no longer appropriate;

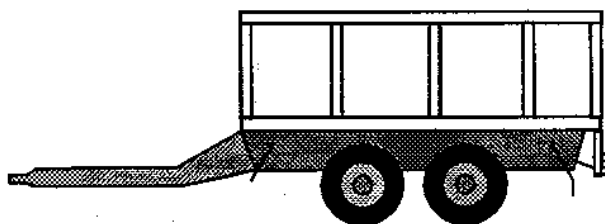
"load", in relation to a vehicle, includes anything that is normally removed from the vehicle when the vehicle is not in use;

"load-sharing suspension system" means an axle group suspension system that:

- (a) is built to divide the load between the tyres on the group so that no tyre carries a mass more than 10% greater than the mass it would carry if the load were divided equally; and
- (b) has effective damping characteristics on all axles of the group;

"night-time" means the time beginning at sunset and ending at sunrise;

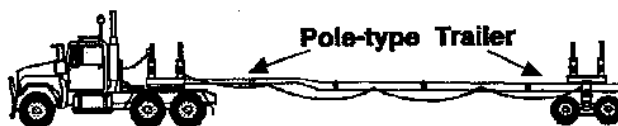
"pig trailer" means a trailer with one axle group or single axle near the middle of its load-carrying surface, and connected to the towing vehicle by a drawbar;



Typical pig trailer

"pole-type trailer" means a trailer that:

- (a) is attached to a towing vehicle by means of a pole or an attachment fitted to a pole; and
- (b) is ordinarily used for transporting loads, such as logs, pipes, structural members or other long objects, that are generally capable of supporting themselves like beams between supports;



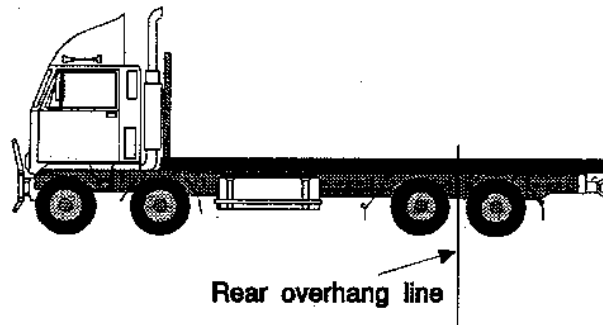
Typical pole-type trailer

"prime mover" means a motor vehicle built to tow a semi-trailer;

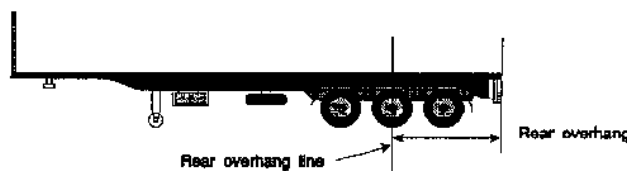
"quad-axle group" means a group of 4 axles, in which the horizontal distance between the centre-lines of the outermost axles is more than 3.2 metres but not more than 4.9 metres;

"rear overhang line" means:

- (a) if there is a single axle at the rear of the vehicle—the centre-line of the axle; or
- (b) if there is an axle group at the rear of the vehicle—the centre of the axle group, determined without regard to the presence of any steerable axle or retractable axle in the group unless all axles in the group are steerable or retractable;



Rear overhang line on a typical motor vehicle that has an axle group



Rear overhang line on a typical semi-trailer

"retractable axle" means an axle that can be raised so that the tyres on the axle do not touch the ground;

"road train" means a combination, other than a B-double, consisting of a motor vehicle towing at least 2 trailers (counting as one trailer a converter dolly supporting a semi-trailer);



Typical triple road train

"semi-trailer" means a trailer that has:

- (a) one axle group or single axle towards the rear; and
- (b) a means of attachment to a prime mover that would result in some of the load being imposed on the prime mover;

"single axle" means an axle not forming part of an axle group;

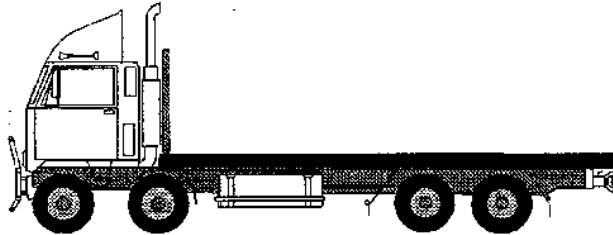
"single axle group" means a group of 2 or more axles, in which the horizontal distance between the centre-lines of the outermost axles is less than 1 metre;

"tandem axle group" means a group of at least 2 axles, in which the horizontal distance between the centre-lines of the outermost axles is at least 1 metre, but not more than 2 metres;

"tri-axle group" means a group of at least 3 axles, in which the horizontal distance between the centre-lines of the outermost axles is more than 2 metres, but not more than 3.2 metres;

"**twinsteer axle group**" means a group of 2 axles:

- (a) with single tyres; and
- (b) fitted to a motor vehicle; and
- (c) connected to the same steering mechanism; and
- (d) the horizontal distance between whose centre-lines is at least 1 metre, but not more than 2 metres;



Typical twinsteer axle group on a motor vehicle

"**vehicle**" includes the vehicle's equipment and any substances that the vehicle is carrying that are essential for its operation;

"**vehicle registration authority**", in relation to a vehicle, means:

- (a) the authority that last registered the vehicle; or
- (b) if the vehicle has never been registered—the authority responsible for registering vehicles in the State or Territory in which the vehicle is used or is intended to be used;

"**vehicle standards**" means the *Road Traffic (Vehicle Standards) Rules 1999*.

RULES UNDER THE ROAD TRAFFIC ACT 1961

No. 235 of 1999

At the Executive Council Office at Adelaide 25 November 1999

PURSUANT to the *Road Traffic Act 1961* and with the advice and consent of the Executive Council, I make the following rules.

E. J. NEAL Governor

PURSUANT to section 10AA(2) of the *Subordinate Legislation Act 1978*, I certify that, in my opinion, it is necessary or appropriate that the following regulations come into operation as set out below.

DIANA LAIDLAW Minister for Transport and Urban Planning

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**PART 1
PRELIMINARY**

Citation, etc.

1. (1) These rules may be cited as the *Road Traffic (Vehicle Standards) Rules 1999*.
- (2) These rules are made pursuant to section 111 of the *Road Traffic Act 1961*.
- (3) In these rules, these rules are referred to as the "**Vehicle Standards**".

Note 1: Under section 112 of the *Road Traffic Act 1961* the driver and the owner and the operator of a vehicle driven or towed on a road are each guilty of an offence if the vehicle does not comply with the vehicle standards. For that purpose, "vehicle" includes a combination.

Note 2: Under section 161A of the *Road Traffic Act 1961*, certain vehicles can only be driven on roads with the approval of the Minister.

Commencement

2. The Vehicle Standards will come into operation on 1 December 1999.

Definitions—the dictionary etc.

3. (1) The dictionary at the end of the Vehicle Standards defines certain words and expressions, and includes signpost definitions to words and expressions defined elsewhere in the Vehicle Standards.

Note: A signpost definition (eg road-related area see rule 9) is included in the dictionary if the definition applies outside the rule defining the word or expression.

(2) The dictionary is part of the Vehicle Standards.

(3) A definition in the Vehicle Standards applies to each use of the word or expression in the Vehicle Standards, unless the contrary intention appears.

Diagrams

4. (1) A diagram in the Vehicle Standards is part of the Vehicle Standards.

(2) A diagram of something (except the essential diagram in rule 165) is an illustrative example of the thing in black and white, but does not represent its dimensions or the dimensions of any part of it.

Note: The essential diagram in rule 165 provides the dimensions required for a 75 millimetre kingpin used in a B-double or road train.

Notes

5. A note in the Vehicle Standards is explanatory and is not part of the Vehicle Standards.

Examples

6. (1) An example (whether or not in the form of a diagram) in the Vehicle Standards is part of the Vehicle Standards.

(2) If the Vehicle Standards include an example of the operation of a provision of the Vehicle Standards:

- (a) the example is not exhaustive; and
- (b) the example does not limit, and may extend, the meaning of the provision; and
- (c) the example and the provision are to be read in the context of each other and of the other provisions of the Vehicle Standards, but, if the example and the provision as so read are inconsistent, the provision prevails.

PART 2
APPLICATION OF THE VEHICLE STANDARDS

Application to vehicles and combinations on roads and road-related areas

7. The Vehicle Standards apply to motor vehicles, trailers and combinations on roads and road-related areas.

Meaning of road

8. A road is an area that is open to or used by the public and is developed for, or has as one of its main uses, the driving or riding of motor vehicles.

Meaning of road-related area

9. A road-related area is any of the following:

- (a) an area that divides a road;
- (b) a footpath or nature strip adjacent to a road;
- (c) an area that is open to the public and is designated for use by cyclists or animals;
- (d) an area that is not a road and that is open to or used by the public for driving, riding or parking vehicles; or
- (e) any other area that is open to or used by the public and that has been declared by regulation to be a road-related area for the purposes of the *Road Traffic Act 1961*.

Vehicles to which the Vehicle Standards do not apply

10. The Vehicle Standards do not apply to:

- (a) a vehicle used only on a railway or tramway; or
- (b) a vehicle designed to be controlled by a person walking next to it; or
- (c) a vehicle propelled by a motor with a maximum power output of not over 200 watts; or
- (d) a motorised wheelchair that cannot travel at over 10 kilometres an hour; or
- (e) a vehicle or combination—
 - (i) that is being repaired, or is being tested in the course of being repaired, so it will comply with the Vehicle Standards; or
 - (ii) that is being driven or towed directly to a place where it is to be repaired so it will comply with the Vehicle Standards,

provided that the vehicle or combination is safe and will not endanger other road users if driven or towed on a road or road-related area.

Non-application of Vehicle Standards—exemption under other laws

11. (1) A provision of the Vehicle Standards does not apply to a vehicle or combination if the vehicle or combination is exempt from:

- (a) the provision under another law of this jurisdiction; or

(b) the corresponding provision of the law of another jurisdiction.

(2) However, the vehicle or combination is exempt only if all conditions of the exemption (if any) are being complied with.

Example

An exemption permitting a greater dimension limit for a vehicle is subject to conditions about the route where, and times when, the vehicle is permitted to travel, and the escort vehicles required to accompany the vehicle. A relevant provision of the Vehicle Standards does not apply to the vehicle only if the conditions are complied with.

Non-application of Vehicle Standards—inconsistent ADR requirements

12. A provision of Parts 5 to 13 of the Vehicle Standards does not apply to a vehicle if:

- (a) the provision is inconsistent with a requirement of a second or third edition ADR applying to the vehicle; and
- (b) the vehicle complies with the requirement.

Non-application of Vehicle Standards—Motor Vehicle Standards Act approvals

13. A provision of Parts 5 to 13 of the Vehicle Standards does not apply to a vehicle if:

- (a) the vehicle does not comply with a requirement of an ADR applying to the vehicle; and
- (b) the provision of the Vehicle Standards corresponds to the requirement of the ADR; and
- (c) despite the non-compliance, approval has been given, under section 10A (2) or (3) of the *Motor Vehicle Standards Act 1989* of the Commonwealth, as in force from time to time, to place identification plates on vehicles of that type; and
- (d) the vehicle complies with the approval conditions (if any).

Note 1: Section 10A (2) of the *Motor Vehicle Standards Act 1989* (Cwth) deals with vehicles that do not comply with an ADR, but the non-compliance is only in minor and inconsequential respects.

Note 2: Section 10A (3) of that Act deals with vehicles that do not comply with an ADR, and the non-compliance is not minor and inconsequential, but the vehicle will be safe to use if conditions are complied with.

PART 3 AUSTRALIAN DESIGN RULES

Note 1: The Australian Design Rules ("ADRs") are rules for designing and building vehicles. Imported vehicles must also comply with the ADRs. Certain ADRs are applied by the Vehicle Standards.

The Vehicle Standards also apply certain other standards (adopted standards) that are intended to complement the ADRs.

The ADRs do not cover:

- vehicles built before 1969
- combination of vehicles of any age
- every safety feature for vehicles built between 1969 and 1988

However, these matters are covered by provisions of the Vehicle Standards.

Note 2: This Part applies the second and third edition ADRs to various vehicles.

Under the Part, a vehicle that is subject to ADRs when it is built or imported generally remains subject to the ADRs throughout its life. However, a vehicle need not comply with a standard if the standard is replaced by, or inconsistent with, a later standard and the vehicle complies with the later standard. Older vehicles may, therefore, be fitted with any equipment allowed on newer vehicles.

Vehicles that are modified must continue to comply with the Vehicle Standards.

The following provisions of the Vehicle Standards extend the application of particular second or third edition ADRs to vehicles to which the ADRs are not expressed to apply:

rule 41 (4) (electrical wiring, connections and installations)

rule 119 (rear marking plates)

rule 136 (1) and (2) (braking system for prime mover in B-double)

rule 137 (braking system design for motor vehicles in road trains)

rule 138 (1) and (3) (braking system design for trailers in B-doubles or road trains)

rule 155 (1) and (2) (speed limiting).

The following provisions of the Vehicle Standards apply to a vehicle instead of the corresponding ADR requirement:

rule 44 (5) and (6) (window tinting)

rules 51 and 52 (tyre speed category requirements)

rule 115 (warning lights and signs on buses carrying children)

rule 118 (4) (display of certain lights and reflectors).

DIVISION 1—INTERPRETATION

ADRs

14. An Australian Design Rule ("ADR") is a national standard.

National standards

15. A national standard is a national standard under the *Motor Vehicle Standards Act 1989* of the Commonwealth, as in force from time to time.

References to national standards

16. Unless the contrary intention appears, a reference in the Vehicle Standards to a national standard is a reference to the national standard as in force from time to time.

Second edition ADRs

17. A second edition ADR is a national standard incorporated in the document described as the Australian Design Rules for Motor Vehicle Safety, Second Edition published by the Commonwealth Government.

Third edition ADRs

18. A third edition ADR is a national standard incorporated in the document described as the Australian Design Rules for Motor Vehicles and Trailers, Third Edition published by the Commonwealth Government.

DIVISION 2—COMPLIANCE WITH ADRs**Compliance with second edition ADRs**

19. (1) If a second edition ADR recommends that the ADR should apply to the design and construction of a vehicle, the vehicle must comply with the ADR.

(2) If a second edition ADR contains a requirement for a type of equipment fitted to a vehicle built on or after a stated time any equipment of the same type fitted to the vehicle after it is built must comply with:

- (a) the requirement as in force when the vehicle was built; or
- (b) if the requirement is amended after the vehicle is built and before the equipment is fitted—the requirement as in force:
 - (i) when the vehicle was built; or
 - (ii) when the equipment was fitted; or
 - (iii) at any time between when the vehicle was built and the equipment was fitted.

(3) However, a vehicle, or equipment fitted to a vehicle, need not comply with a recommendation or requirement of a second edition ADR if:

- (a) the recommendation or requirement is replaced by, or is inconsistent with, a requirement of a third edition ADR applying to the vehicle or equipment; and
- (b) the vehicle or equipment complies with the requirement of the third edition ADR.

(4) If a second edition ADR allows a vehicle built on or after a stated time to be fitted with equipment, a vehicle built before the time may also be fitted with the equipment.

Compliance with third edition ADRs

20. (1) If a third edition ADR applies to the design and construction of a vehicle, the vehicle must comply with the ADR.

(2) If a third edition ADR contains a requirement for a type of equipment fitted to a vehicle built on or after a stated time, any equipment of the same type fitted to the vehicle after it is built must comply with:

- (a) the requirement as in force when the vehicle was built; or
- (b) if the requirement is amended after the vehicle is built and before the equipment is fitted—the requirement as in force:
 - (i) when the vehicle was built; or
 - (ii) when the equipment was fitted; or
 - (iii) at any time between when the vehicle was built and the equipment was fitted.

(3) However, a vehicle, or equipment fitted to a vehicle, need not comply with a requirement of a third edition ADR if:

- (a) the requirement is replaced by, or is inconsistent with, a requirement of a later version of the ADR applying to the vehicle or equipment; and
- (b) the vehicle or equipment complies with the requirement of the later version.

(4) If a third edition ADR allows a vehicle built on or after a stated time to be fitted with equipment, a vehicle built before the time may also be fitted with the equipment.

Exception to compliance with ADRs—vehicles that are not road vehicles

21. A vehicle need not comply with an ADR applied by rule 19 (1) or 20 (1) if a determination or declaration under section 5B of the *Motor Vehicle Standards Act 1989* of the Commonwealth, as in force from time to time, provides that the vehicle is not a road vehicle for that Act.

Exception to compliance with ADRs—Motor Vehicle Standards Act

22. (1) A vehicle need not comply with an ADR applied by rule 19 (1) or 20 (1) if:

- (a) despite non-compliance with the ADR, approval has been given, under section 10A (2) or (3) of the *Motor Vehicle Standards Act 1989* of the Commonwealth, as in force from time to time, to place identification plates on vehicles of that type; and
- (b) the vehicle complies with the approval conditions (if any).

Note: See notes to rule 13.

(2) A vehicle need not comply with an ADR applied by rule 19 (1) or 20 (1) if:

- (a) the vehicle may be supplied to the market under section 14A (1) of the *Motor Vehicle Standards Act 1989* of the Commonwealth, as in force from time to time; and
- (b) for a vehicle for which an approval has been given under that subsection—the vehicle complies with the approval conditions (if any).

- (3) A vehicle need not comply with an ADR applied by rule 19 (1) or 20 (1) if:
- (a) the vehicle may be used in transport in Australia under section 15 (2) of the *Motor Vehicle Standards Act 1989* of the Commonwealth, as in force from time to time; and
 - (b) for a vehicle for which an approval has been given under that subsection—the vehicle complies with the approval conditions (if any).

Partial exception to compliance with ADRs—personally imported vehicles

23. (1) In this rule:

"**personally imported vehicle**" means a vehicle built after 1968 that is imported into Australia by a person who:

- (a) owned and used the vehicle for a continuous period of at least 3 months before it was imported into Australia; and
- (b) when the vehicle was imported into Australia, was:
 - (i) an Australian citizen or permanent resident or a person who had applied to become an Australian citizen or permanent resident; and
 - (ii) old enough to hold a licence or permit to drive the vehicle; and
- (c) within the previous year, had not imported into Australia another vehicle owned by the person.

(2) A personally imported vehicle must be fitted with:

- (a) seat belts that are as effective as seat belts that meet an Australian Standard or British Standard for seat belts as in force when this rule commenced; and
- (b) seat belt anchorages that meet the number and location requirements of second or third edition ADR 5; and
- (c) child restraint anchorages that meet the number, location, accessibility, thread size and form requirements of second edition ADR 34 or third edition ADR 5 or 34; and
- (d) head restraints that meet the number, location and size requirements of second or third edition ADR 22.

(3) However, a personally imported vehicle need only meet the requirements of an ADR mentioned in subrule (2) if the ADR recommends that it should apply, or applies, to a vehicle of the same type.

(4) A personally imported vehicle need not otherwise comply with an ADR applied by rule 19 (1) or 20 (1).

PART 4 ADOPTED STANDARDS

Adopted standards

24. An adopted standard is a standard, except a national standard, that is applied, adopted or incorporated by the Vehicle Standards.

Example

Rule 62 (7) adopts Australian Standard AS 1906 Retro-reflective Materials and Devices for Road Traffic Control Purposes.

Reference to adopted standards

25. Unless the contrary intention appears, a reference in a rule or subrule to an adopted standard is a reference to the standard as in force at the commencement of the Vehicle Standards, or, if the provision in which reference appears commenced after the commencement of the Vehicle Standards, as in force at the commencement of that provision.

Exception to compliance with adopted standards

26. A vehicle need not comply with an adopted standard if:

- (a) the standard is replaced by, or is inconsistent with, a later version of the standard; and
- (b) the vehicle complies with the later version of the standard.

PART 5
GENERAL SAFETY REQUIREMENTS

Note: For a vehicle to be operated safely, the vehicle needs to be properly designed to minimise the potential for accidents and harm to other road users.

This Part sets out various requirements covering the driver's view from a vehicle, the driver's control of a vehicle, protection of vehicle occupants and other road users, and other general safety features.

DIVISION 1—ALL VEHICLES

Steering

27. (1) A motor vehicle with a GVM over 4.5 tonnes must have a right-hand drive.

(2) A motor vehicle with a GVM not over 4.5 tonnes must have a right-hand drive if the vehicle:

(a) is less than 30 years old; and

(b) is required under a law of this jurisdiction to have a right-hand drive.

(3) A motor vehicle has a right-hand drive if the centre of at least 1 steering control of the vehicle is to the right of, or in line with, the centre of the vehicle.

(4) A component of the steering system of a motor vehicle that is essential for effective steering of the vehicle must be built to transmit energy by mechanical means only.

(5) Failure of a non-mechanical component of the steering system must not prevent effective steering of the vehicle.

Turning ability

28. (1) A motor vehicle must be able to turn in a circle not over 25 metres in diameter, measured by the outer edge of the tyre track at ground level.

(2) The vehicle must be able to comply with subrule (1) whether it turns to the left or to the right.

Ability to travel backwards and forwards

29. A motor vehicle with an unloaded mass over 450 kilograms must be able to be driven both backwards and forwards when the driver is in the normal driving position.

Protrusions

30. (1) An object fitted to a vehicle must be designed, built and fitted to the vehicle in a way that minimises the likelihood of injury to a person making contact with the vehicle.

(2) However, subrule (1) does not apply to an object fitted to a vehicle if:

(a) the vehicle was designed before 1965 and the object was part of the design of the vehicle;
or

(b) the object was fitted to the vehicle before 1965 in accordance with the law of the place where the object was fitted.

Driver's view and vehicle controls

31. A motor vehicle must be built:

- (a) to allow the driver a view of the road and of traffic to the front and sides of the vehicle so the driver can drive the vehicle safely; and
- (b) with its controls located so the driver can drive the vehicle safely.

Seating

32. A seat for a driver or passenger in a vehicle must be securely attached to the vehicle.

Mudguards and spray suppression

33. (1) A vehicle must have firmly fitted:

- (a) a mudguard for each wheel or for adjacent wheels; and
- (b) for each axle group and single axle on a vehicle that is part of a B-double—spray suppression devices complying with Parts 1 and 2 of British Standard AU200-1984 Spray Reducing Devices for Heavy Goods Vehicle.

(2) However, subrule (1) (a) does not apply to a vehicle if:

- (a) the construction or use of the vehicle makes the fitting of mudguards unnecessary or impracticable and the vehicle is not driven or towed at a speed greater than 40 kilometres an hour; or
- (b) the body or part of the body of the vehicle acts as a mudguard.

Examples of vehicles to which subrule (2) (a) applies

1. Timber jinkers.
2. Most road-making plant.
3. Some agricultural equipment.

(3) A mudguard fitted to a vehicle with a GVM over 4.5 tonnes must, when the wheels of the vehicle are in position to move straight ahead:

- (a) reduce the danger of a person contacting the moving wheels; and
- (b) for the rear wheels:
 - (i) cover the overall tyre width of the wheel or wheels to which it is fitted; and
 - (ii) be fitted so the height above ground level of the lowest edge of the rear of the mudguard is not over one-third of the horizontal distance between the edge and the centre of the rearmost axle.

(4) However, a mudguard may be up to:

- (a) 230 millimetres above ground level; or
- (b) on a vehicle built to be used off road—300 millimetres above ground level.

(5) The outside of a rear mudguard, except a mudflap, of a vehicle that can be seen from the rear of the vehicle must be coloured white or silver if the vehicle:

- (a) is at least 2.2 metres wide; and
- (b) has a body the vertical measurement of which is under 300 millimetres at the rear, measured from the lowest point of the body above ground level to the highest point; and
- (c) is not fitted with rear marking plates in accordance with rule 119.

(6) For subrule (5) (a), the width of a vehicle is measured disregarding any anti-skid device mounted on wheels, central tyre inflation systems, lights, mirrors, reflectors, signalling devices and tyre pressure gauges.

Horns, alarms etc

34. (1) A motor vehicle must be fitted with at least 1 horn or other device that can give sufficient audible warning to other road users of the approach or position of the vehicle.

(2) A motor vehicle must not be fitted with a device that can make a sound like the sound of a siren, bell, exhaust whistle, compression whistle or repeater horn.

(3) However, subrule (2) does not apply to:

- (a) a police vehicle; or
- (b) an emergency vehicle; or
- (c) an Australian Protective Service vehicle; or
- (d) an Australian Customs Service vehicle; or
- (e) an Airservices Australia vehicle; or
- (f) a vehicle at least 25 years old that is fitted as a police or emergency vehicle if:
 - (i) the vehicle is only used for exhibition purposes; or
 - (ii) it is part of a collection of former police or emergency vehicles; or
- (g) an anti-theft alarm if the alarm cannot be operated while the vehicle's ignition is on.

(4) Also, a motor vehicle may be fitted with a device that emits a regular, intermittent sound while the vehicle is reversing or in reverse gear.

(5) The device must not be louder than is necessary so the driver, and a person near the vehicle, can hear the device when it is operating.

Rear vision mirrors

35. (1) A rear vision mirror or mirrors must be fitted to a motor vehicle as required by this rule so that a driver of the vehicle can clearly see by reflection the road behind the vehicle and any following or overtaking vehicle.

(2) At least 1 rear vision mirror must be fitted to:

- (a) a car; and
- (b) a motor trike with 2 front wheels; and
- (c) a motor bike, or motor trike with 1 front wheel, built before July 1975.

(3) At least 1 rear vision mirror must be fitted to each side of:

- (a) a motor vehicle with a GVM over 3.5 tonnes; and
- (b) a motor bike, or motor trike with 1 front wheel, built after June 1975.

(4) A motor vehicle with a GVM not over 3.5 tonnes (except a motor vehicle mentioned in subrule (2) or (3)) must be fitted with:

- (a) at least 1 rear vision mirror on the right side of the vehicle; and
- (b) at least 1 rear vision mirror on the left side of the vehicle or inside the vehicle.

(5) A rear vision mirror fitted to a motor vehicle with a GVM over 3.5 tonnes must not project over 150 millimetres beyond the widest part (excluding lights, signalling devices and reflectors) of the vehicle or combination.

(6) However, the rear vision mirror may project not over 230 millimetres beyond the widest part of the vehicle or combination if it can fold to project not over 150 millimetres beyond the widest part.

Rear vision mirrors—surfaces

36. (1) A rear vision mirror required to be fitted to the side of a motor vehicle with a GVM over 3.5 tonnes must have a reflecting surface of at least 150 square centimetres.

(2) A rear vision mirror required to be fitted to the right side of a motor vehicle with a GVM over 3.5 tonnes must have a flat reflecting surface if:

- (a) the motor vehicle has only 1 steering control; and
- (b) the centre of the steering control is to the right of, or in line with, the centre of the motor vehicle.

(3) The reflecting surface of the rear vision mirrors that are required to be fitted to a motor bike or moped must:

- (a) each be of the same curvature; and
- (b) if convex, be part of a notional sphere with a radius of at least 1.2 metres.

Additional rear vision mirrors

37. A motor vehicle may be fitted with additional rear vision mirrors or mirror surfaces that are flat or convex or a combination of flat and convex surfaces.

Automatic transmission

38. (1) A motor vehicle fitted with an automatic transmission must have an engine starter mechanism that cannot operate when the transmission control is in a position to drive the vehicle.

(2) A vehicle built after 1975 that is fitted with an automatic transmission must have an indicator in the driver's compartment showing the transmission control position.

(3) Subrules (1) and (2) do not apply to a motor vehicle with less than 4 wheels.

Diesel engines

39. A motor vehicle propelled by a compression ignition engine (commonly known as a diesel engine) must be fitted with a device preventing the engine from being started accidentally or inadvertently.

Bonnet securing devices

40. (1) A motor vehicle with a moveable body panel forward of the windscreen that covers an engine or luggage storage or battery compartment, must have a device to secure the panel.

(2) However, if the panel opens from the front in a way that partly or completely obstructs the driver's forward view through the windscreen, the panel must have primary and secondary devices to secure the panel.

Electrical wiring, connections and installations

41. (1) The wiring of electrical equipment of a vehicle, except the high tension ignition wiring, must:

- (a) be supported at intervals of not over 600 millimetres, unless the vehicle is a pole-type trailer with a pole with an adjustable length, or an extendible trailer; and
- (b) be insulated at each of its joints; and
- (c) be located where it cannot:
 - (i) become overheated; or
 - (ii) contact moving parts; or
 - (iii) come near enough to the fuel system to be a fire hazard; and
- (d) be protected from chafing.

(2) The electrical connectors between motor vehicles and trailers, for operation of the vehicle lights required by the Vehicle Standards, must comply with Australian Standard AS 2513-1982 Electrical Connections for Trailer Vehicles.

(3) A trailer must be equipped with an electrical conductor, independent of the trailer coupling, that provides a return path between the electrical circuits of the trailer and towing vehicle.

(4) The electrical wiring, connections and installations of a semi-trailer, dog trailer or converter dolly used in a road train over 19 metres long after June 1998 must comply with third edition ADR 63, whether or not it was built before the date stated in the ADR for vehicles of that type.

Television receivers and visual display units

42. (1) A television receiver or visual display unit must not be installed in a vehicle so any part of the image on the screen is visible to the driver from the normal driving position.

(2) However, subrule (1) does not apply to:

- (a) a television receiver or visual display unit that cannot be operated when the vehicle is moving; or
- (b) a driver's aid in any vehicle or a destination sign in a bus.

Examples of driver's aids

1. Closed-circuit television security cameras.
2. Dispatch systems.
3. Navigational or intelligent highway and vehicle system equipment.
4. Rearview screens.
5. Ticket-issuing machines.
6. Vehicle monitoring devices.

(3) A television receiver, or visual display unit, and its associated equipment in a vehicle must be securely mounted in a position that:

- (a) does not obscure the driver's view of the road; and
- (b) does not impede the movement of a person in the vehicle.

Windscreens and windows

43. (1) Transparent material used in a windscreen, window, or an interior partition, of a motor vehicle must be of approved material if:

- (a) the vehicle was built after June 1953; or
- (b) the material was first fitted to the vehicle after June 1953.

(2) In this rule:

"**approved material**" means material with the same characteristics as material mentioned in any of the following standards:

- Australian Standard AS R1-1965 Safety Glass for Land Transport
- Australian Standard AS R1-1968 Safety Glass for Land Transport
- Australian Standard AS 2080-1977 Safety Glass for Vehicles
- British Standard BS 857:1967 Specification for Safety Glass for Land Transport
- British Standard BS 5282:1975 Road Vehicle Safety Glass

- British Standard BS AU178:1980 Road Vehicle Safety Glass
- Japanese Industrial Standard JIS R 3211-1979 Safety Glasses for Road Vehicles
- American National Standard ANSI Z26.1-1980 Safety Code for Safety Glazing Materials for Glazing Motor Vehicles Operating on Land Highway.

"transparent material" does not include any coating added to the windscreen, window or partition after its manufacture.

Window tinting

44. (1) Glazing used in a windscreen of a motor vehicle must have a luminous transmittance of at least:

- (a) for a motor vehicle built after 1971—75%; or
- (b) for another motor vehicle—70%.

(2) Windscreen glazing of a motor vehicle must not be coated in a way that reduces its luminous transmittance.

(3) However, subrules (1) and (2) do not apply to the greater of the following areas of a windscreen:

- (a) the area above the highest point of the windscreen that is swept by a windscreen wiper;
- (b) the upper 10% of the windscreen.

(4) Glazing used in a window or interior partition of a motor vehicle must have a luminous transmittance of at least 70%.

(5) Glazing behind the rear of the driver's seat may be coated to achieve a luminous transmittance of not less than 35%.

(6) Glazing in a side window forward of the rear of the driver's seat may be coated to achieve a luminous transmittance of not less than 70% or, if another law of this jurisdiction allows a lesser luminous transmittance, the greater of:

- (a) the lesser luminous transmittance allowed under the other law; and
- (b) 35%.

(7) Glazing that has been coated to reduce its luminous transmittance must not have a reflectance of over 10%.

(8) The luminous transmittance requirements in subrules (5) and (6) apply to a vehicle instead of the corresponding requirements in the relevant ADR.

(9) In this rule:

"glazing" means material fitted to the front, sides, rear or interior of a vehicle, through which the driver can see the road, but does not include a coating added after manufacture of the material.

"**luminous transmittance**", for glazing, means the amount of light that can pass through the glazing as a percentage of the amount of light that would be transmitted if the glazing were absent.

Windscreen wipers and washers

45. (1) A motor vehicle with 3 or more wheels that is fitted with a windscreen must be fitted with at least 1 windscreen wiper unless a driver in a normal driving position can obtain an adequate view of the road ahead of the motor vehicle without looking through the windscreen.

(2) At least 1 windscreen wiper fitted to the motor vehicle must:

- (a) be able to remove moisture from the part of the windscreen in front of the driver to allow the driver an adequate view of the road ahead of the motor vehicle when the windscreen is wet; and
- (b) be able to be operated from a normal driving position; and
- (c) for a motor vehicle built after 1934—continue to operate until the wiper is switched off; and
- (d) for a motor vehicle built after 1959 the driving position of which is nearer one side of the vehicle than the other:
 - (i) be able to remove moisture from the part of the windscreen in front of the driver, and a corresponding part of the windscreen on the other side of the centre of the motor vehicle, to allow the driver an adequate view of the road ahead of the motor vehicle when the windscreen is wet; and
 - (ii) if the windscreen wipers are operated by engine manifold vacuum—be provided with a vacuum reservoir or pump to maintain the efficient operation of the wiper or wipers while the vehicle is in motion.

(3) If the motor vehicle was built after 1982 and has a GVM over 4.5 tonnes, it must also be fitted with a windscreen washer that can direct water onto the windscreen within the area swept by a windscreen wiper so the wiper can spread the water to all of the area swept by the wiper.

Note: The ADRs require certain vehicles with a GVM not over 4.5 tonnes to be fitted with a windscreen washer.

(4) The windscreen washer must be able to be operated from a normal driving position.

Wheels and tyres—size and capacity

46. The wheels and tyres fitted to an axle of a vehicle must be of sufficient size and capacity to carry the part of the vehicle's gross mass transmitted to the ground through the axle.

Pneumatic tyres generally

47. A vehicle built after 1932 must be fitted with pneumatic tyres.

Pneumatic tyres—carcass construction

48. (1) A vehicle with a GVM not over 4.5 tonnes must not have pneumatic tyres of different carcass construction fitted to the same axle, but the tyres may have different cord materials and a different number of plies.

(2) However, subrule (1) does not apply to a tyre being used in an emergency as a temporary replacement for a tyre complying with the subrule.

Pneumatic tyres—size and capacity

49. The size and capacity of a pneumatic tyre to be fitted to a vehicle must be decided using a cold inflation pressure that is not more than the lesser of:

- (a) the pressure recommended by the tyre manufacturer; and
- (b) a pressure of:
 - (i) for a radial ply tyre—825 kilopascals; or
 - (ii) for another tyre—700 kilopascals.

Tyres—defects

50. A tyre fitted to a vehicle must be free of any apparent defect that could make the vehicle unsafe.

Tyres for use on vehicles with GVM over 4.5 tonnes

51. (1) A tyre fitted to a vehicle with a GVM over 4.5 tonnes must be suitable for road use at the lesser of:

- (a) 100 kilometres an hour; and
- (b) the vehicle's top speed.

(2) This rule applies to a vehicle instead of the tyre speed category requirements in the relevant ADR.

Tyres—manufacturer's rating

52. (1) This rule applies to a motor vehicle if the vehicle:

- (a) has 4 or more wheels; and
- (b) was built after 1972; and
- (c) has a GVM not over 4.5 tonnes.

(2) However, this rule does not apply to a tyre if the tyre:

- (a) is recommended by the vehicle builder as suitable for limited use on the vehicle in special circumstances at a speed less than the speed applying to the vehicle under subrule (3); or
- (b) is being used in an emergency as a temporary replacement for a tyre complying with this rule.

(3) A tyre fitted to a motor vehicle must, when first manufactured, have been rated by the tyre manufacturer as suitable for road use at the lesser of:

- (a) a speed of at least:
 - (i) for a car with special features for off-road use—140 kilometres an hour; or

- (ii) for another car—180 kilometres an hour; or
- (iii) for another motor vehicle—120 kilometres an hour; and

(b) the vehicle's top speed.

Example for paragraph (a) (i)

A four-wheel drive vehicle.

(4) This rule applies to a vehicle instead of the tyre speed category requirements in the relevant ADR.

Retreads

53. (1) A tyre that is retreaded before the commencement of this rule must not be used on a vehicle if:

- (a) Australian Standard AS 1973-1976 Retreaded Pneumatic Passenger Car and Light Truck Tyre or Australian Standard AS 1973-1985 Retreaded Pneumatic Passenger and Light Truck Tyre applies to the tyre; and
- (b) the tyre was retreaded after publication of the Australian Standard; and
- (c) the tyre was not retreaded in accordance with Australian Standard AS 1973-1976 Retreaded Pneumatic Passenger Car and Light Truck Tyre, Australian Standard AS 1973-1985 Retreaded Pneumatic Passenger and Light Truck Tyre or Australian Standard AS 1973-1993 Pneumatic Tyres—Passenger Car, Light Truck and Truck/Bus—Retreading and Repair Processes.

(2) A tyre that is retreaded after the commencement of this rule must not be used on a vehicle if:

- (a) Australian Standard AS 1973-1993 Pneumatic Tyres—Passenger Car, Light Truck and Truck/Bus—Retreading and Repair Processes applies to the tyre; and
- (b) the tyre was not retreaded in accordance with the Australian Standard.

Note: The Australian Standards mentioned in this rule require various markings on retreaded tyres. These may include a speed rating less than the rating originally marked on the tyre.

Tyre tread

54. (1) A tyre on a motor vehicle must not have cleats or other gripping devices that could damage road surfaces.

(2) Except at tread wear indicators, a tyre fitted to the vehicle must have a tread pattern at least 1.5 millimetres deep in a band that runs continuously:

- (a) across:
 - (i) for a vehicle with a GVM over 4.5 tonnes—at least 75% of the tyre width that normally comes into contact with the road; or
 - (ii) for another vehicle—the tyre width that normally comes into contact with the road; and

(b) around the whole circumference of the tyre.

(3) A vehicle must not be fitted with a tyre that has been treated by recutting or regrooving the tread rubber, unless the tyre was:

(a) constructed with an extra thickness of rubber designed for recutting or regrooving; and

(b) labelled to indicate the construction.

DIVISION 2—ADDITIONAL REQUIREMENTS FOR MOTOR BIKES

Steering gear and handlebars

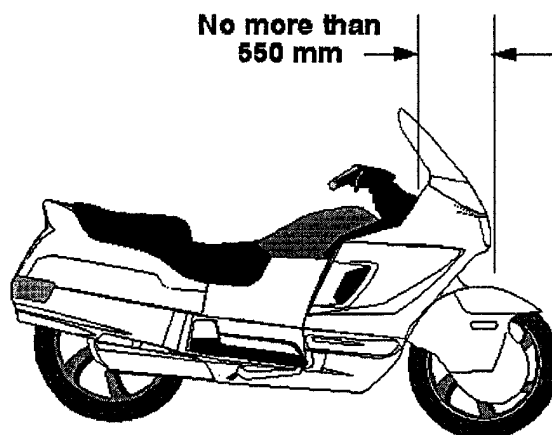
55. (1) The handlebars on a motor bike must extend at least 250 millimetres, but not over 450 millimetres, on each side of the centre line of the vehicle.

(2) In taking a measurement for subrule (1), mirrors and lights mounted on the handlebars of the motor bike are disregarded.

(3) The lowest part of the hand grip on the handle bars must not be higher than 380 millimetres above the attachment point of the handlebars to the motor bike.

(4) Hand grips on the handle bars must be fitted symmetrically.

(5) If a motor bike has the head stem as the steering pivot point, the horizontal distance from the midpoint between the head stem bearings to the centre of the front wheel must not be over 550 millimetres.



Maximum horizontal distance from midpoint between head stem bearings of motor bike to centre of front wheel

Foot rests

56. A motor bike must be fitted with foot rests for the driver, and for any passenger for whom a seating position is provided.

Chain guards

57. (1) If the engine power of a motor bike is transmitted to the rear wheel by a chain, the driver and any passenger must be protected from the front sprocket and at least the upper part of the chain by:

(a) the frame or equipment of the motor bike; or

(b) a chain guard.

(2) A chain guard must cover the chain to a point:

(a) at least 300 millimetres to the rear of the rearmost foot rest; or

(b) above the centre of the rear drive sprocket.

PART 6 VEHICLE MARKING

Note: This Part contains requirements for a vehicle that help to identify the vehicle and, if the vehicle is unusually long, to warn other motorists.

Vehicle and engine identification numbers

58. (1) In this rule:

"number" includes letter.

(2) A motor vehicle must have an individual engine identification number clearly stamped, embossed or otherwise permanently marked on it.

(3) A motor vehicle built after 1930 must have the engine identification number on its engine block or the main component of its engine.

(4) A vehicle must have an individual vehicle identification number clearly stamped, embossed or otherwise permanently marked on a substantial part of its frame or chassis.

(5) A vehicle or engine identification number must be located where a person can read it easily without having to use tools to remove a part of the vehicle that would otherwise obstruct the person's view.

White or silver band on certain vehicles

59. (1) This rule applies to a vehicle that:

- (a) is at least 2.2 metres wide; and
- (b) has a body with a vertical measurement under 300 millimetres at the rear, measured from the lowest point of the body above ground level to the highest point; and
- (c) is not fitted with rear marking plates in accordance with rule 119.

(2) For subrule (1) (a), the width of a vehicle is measured disregarding any anti-skid device mounted on wheels, central tyre inflation systems, lights, mirrors, reflectors, signalling devices and tyre pressure gauges.

(3) The vehicle must have a white or silver band at least 75 millimetres high across the full width of the rearmost part of the body of the vehicle.

Warning signs for combinations over 22 metres long

60. (1) The following vehicles must display road train warning signs complying with this rule and rule 62:

- (a) a combination over 36.5 metres long;
- (b) a road train over 30 metres, but not over 36.5 metres, long that includes 1 or more dog trailers.

(2) The following vehicles must display road train warning signs, or a long vehicle warning sign, complying with this rule and rule 62:

- (a) a road train over 22 metres, but not over 30 metres, long that includes 1 or more dog trailers;
- (b) a road train over 22 metres, but not over 36.5 metres, long that does not include a dog trailer.

(3) Another combination over 22 metres, but not over 36.5 metres, long must display a long vehicle warning sign complying with this rule and rule 62.

(4) Subrules (1), (2) and (3) do not apply to the extent of any inconsistency with the conditions of an oversize or overmass vehicle exemption that applies to the combination (*see* section 115 of the *Road Traffic Act 1961* relating to oversize or overmass vehicle exemptions).

(5) Road train warning signs must be used in pairs and fitted horizontally, one at the front and the other at the rear of the combination.

(6) A long vehicle warning sign must be fitted horizontally at the rear of the combination.

Warning signs not to be displayed on other vehicles

61. (1) A road train warning sign must not be displayed on a vehicle unless the vehicle is part of a combination or road train mentioned in rule 60 (1) or (2).

(2) A long vehicle warning sign must not be displayed on a vehicle unless the vehicle is a part of a combination or road train mentioned in rule 60 (2) or (3).

Specifications for warning signs

62. (1) A road train or long vehicle warning sign must be manufactured in 1 or 2 parts from sheet steel 0.8 millimetres thick or another material of at least the same stiffness, unless it is designed to be fixed to a vehicle using an adhesive.

(2) The warning sign must be at least 1.02 metres wide and at least 250 millimetres high.

(3) A road train warning sign must display the words "road train", and a long vehicle warning sign must display the words "long vehicle", in black capital letters at least 180 millimetres high in typeface Series B (N) that complies with Australian Standard AS 1744 Forms of Letters and Numerals for Road Signs.

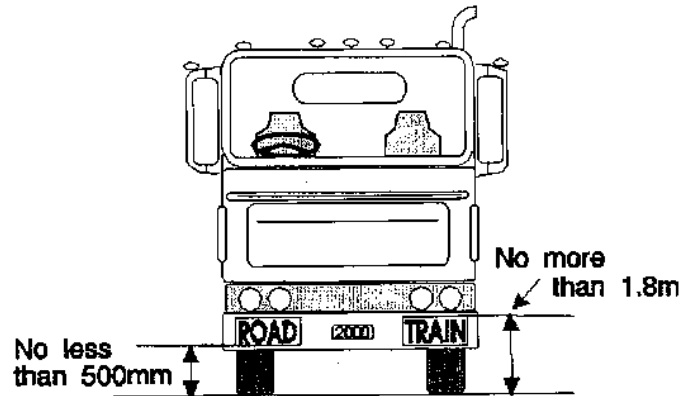
(4) If the warning sign is in 2 parts, one word of the expression "road train" or "long vehicle" must be on one part and the other word of the expression must be on the other part.

(5) The warning sign must display the sign manufacturer's name or logo, and the brand and class of retro-reflective material used, in block letters not over 10 millimetres high.

(6) The warning sign must have a black border.

(7) The warning sign must be coated with yellow retro-reflective material of class 1 or 2 that meets Australian Standard AS 1906 Retro-reflective Materials and Devices for Road Traffic Control Purposes.

- (8) The warning sign must be fitted so:
- (a) no part of the sign is:
- (i) over 1.8 metres above ground level; or
 - (ii) under 500 millimetres above ground level; and
- (b) if the sign is in 2 parts—the parts are fitted at the same height above ground level.



Positioning of a warning sign

Left-hand drive signs

63. (1) This rule applies to a motor vehicle with a GVM over 4.5 tonnes that has the centre of a steering control to the left of the centre of the vehicle.

(2) The vehicle must display the words "left hand drive" on the rear of the vehicle.

(3) The words must be in letters at least 75 millimetres high, and in a colour contrast with the background to the words.

PART 7
VEHICLE CONFIGURATION AND DIMENSIONS

Note: This Part sets out various requirements covering the suspension on vehicles and size limits for single vehicles and combinations of vehicles, so that they can be operated safely with other traffic, without taking up too much road space or damaging the road and structures on the road.

Generally, the limits in this Part apply to a vehicle and any load it may be carrying.

Specific requirements for loaded vehicles are covered by other laws.

DIVISION 1—AXLES

Axle configuration

64. (1) A motor vehicle, except an articulated bus, must have only:

- (a) 1 axle group, or single axle, towards the front of the vehicle; and
- (b) 1 axle group, or single axle, towards the rear of the vehicle.

(2) An articulated bus must have:

- (a) on its front section:
 - (i) only 1 axle group, or single axle, towards the front of the section; and
 - (ii) only 1 axle group, or single axle, towards the rear of the section; and
- (b) on another section—only 1 axle group or single axle.

(3) A trailer must have only:

- (a) 1 axle group or single axle; or
- (b) 2 axle groups, 2 single axles, or 1 axle group and single axle, in the following configuration:
 - (i) 1 axle group, or single axle, towards the front of the vehicle, with all the wheels on the axle group or single axle connected to the steering mechanism for that part of the trailer;
 - (ii) 1 axle group, or single axle, towards the rear of the vehicle.

(4) A semi-trailer that is extendible, or is fitted with sliding axles, must:

- (a) have a securing device that:
 - (i) can securely fix the extendible part or sliding axles to the rest of the vehicle in any position of adjustment provided; and
 - (ii) is located in a position that can prevent accidental or inadvertent release, if the device is mounted on the chassis of the vehicle; and

- (iii) is fitted with a visible or audible warning system to indicate to a person standing beside the vehicle that the device is not engaged; and
- (iv) is fitted with a way of preventing loss of air from the air brake supply, if the device uses air from the brake system and fails in a way allowing air to escape; and
- (v) is held in the applied position by direct mechanical action without the intervention of an electric, hydraulic or pneumatic device; and

(b) be built so the adjustable parts of the vehicle remain connected if the securing device fails.

(5) The axle groups in a B-double with two tri-axle groups must be positioned so that the following formulae are complied with:

$$X - Y \geq 1$$

$$Y - X \geq 1.3$$

where:

X means the distance in metres (measured to the nearest tenth of a metre) between the centres of the closest axles in the second and third axle groups of the B-double;

Y means the distance in metres (measured to the nearest tenth of a metre) between the centres of the closest axles in the third and fourth axle groups of the B-double.

Relation between axles in axle group

65. (1) The axles in an axle group, except a twinsteer axle group, fitted to a vehicle with a GVM over 4.5 tonnes must relate to each other through a load-sharing suspension system.

(2) In this rule:

"load-sharing suspension system" means an axle group suspension system that:

- (a) is built to divide the load between the tyres on the group so that no tyre carries a mass over 10% more than the mass that it would carry if the load were divided equally; and
- (b) has effective damping characteristics on all axles of the group.

DIVISION 2—DIMENSIONS

Width

66. (1) A vehicle must not be over 2.5 metres wide.

(2) For subrule (1), the width of a vehicle is measured without taking into account any anti-skid device mounted on wheels, central tyre inflation systems, lights, mirrors, reflectors, signalling devices and tyre pressure gauges.

Length of single motor vehicles

67. (1) A motor vehicle, except an articulated or controlled access bus, must not be over 12.5 metres long.

(2) A controlled access bus must not be over 14.5 metres long.

(3) An articulated bus must not be over 18 metres long.

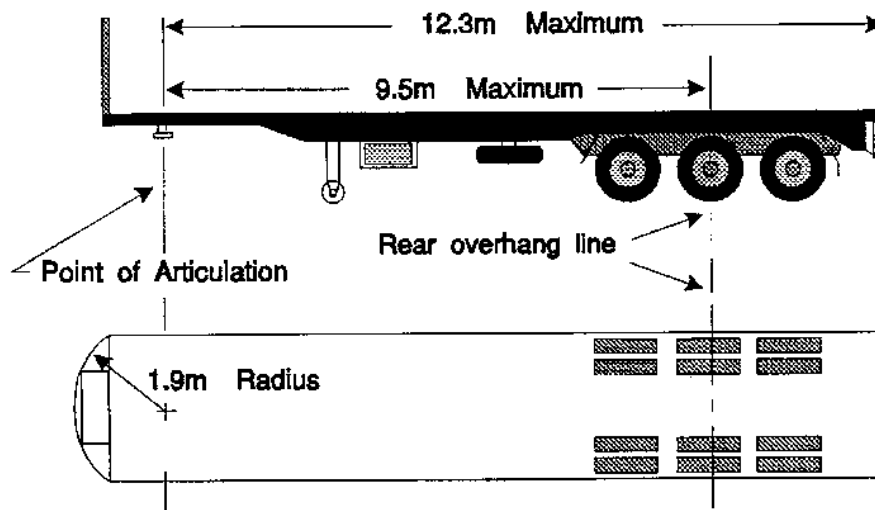
Length of single trailers

68. (1) On a semi-trailer or a dog trailer:

(a) the distance between the point of articulation at the front of the trailer and the rear overhang line must not be over 9.5 metres; and

(b) the distance between the point of articulation at the front of the trailer and the rear of the trailer must not be over 12.3 metres.

(2) A projection forward of the point of articulation at the front of a semi-trailer must be contained within a radius of 1.9 metres from the point of articulation.



Maximum dimensions of a semi-trailer

(3) If a semi-trailer has 2 or more points of articulation at the front of the trailer, it must comply with subrules (1) and (2) when measured at one of the points.

(4) A trailer built to carry cattle, sheep, pigs or horses on 2 or more partly or completely overlapping decks must not have over 12.5 metres of its length available for the carriage of animals.

(5) For subrule (4), the length available for the carriage of animals on a trailer is measured from the inside of the front wall or door of the trailer to the inside of the rear wall or door of the trailer, with any intervening partitions disregarded.

Length of combinations

69. (1) A combination must not be over:

(a) for a B-double—25 metres long; and

(b) for a road train—53.5 metres long; and

(c) for a combination, except a road train, designed to carry vehicles on 2 or more partly or completely overlapping decks—25 metres long; and

(d) for another combination—19 metres long.

(2) In a B-double built to carry cattle, sheep, pigs or horses, the 2 semi-trailers must not have over 18.8 metres of their combined length available for the carriage of animals.

(3) For subrule (2), the length available for the carriage of animals on a trailer is measured from the inside of the front wall or door of the trailer to the inside of the rear wall or door of the trailer, with any intervening partitions disregarded.

Rear overhang

70. (1) The rear overhang of a semi-trailer, or dog trailer consisting of a semi-trailer and converter dolly, must not exceed the lesser of:

(a) 60% of the distance between the point of articulation at the front and the rear overhang line; and

(b) 3.7 metres.

(2) A semi-trailer with 2 or more points of articulation at the front must comply with subrule (1) when measured at the same point used for measurement for compliance with rule 68 (3).

(3) The rear overhang of a trailer with only 1 axle group or single axle (except a semi-trailer) must not exceed the lesser of:

(a) the length of the load carrying area, or body, ahead of the rear overhang line; and

(b) 3.7 metres.

(4) The rear overhang of a vehicle not mentioned in subrule (1) or (3) must not exceed the lesser of:

(a) 60% of the distance between the centre of the front axle and the rear overhang line; and

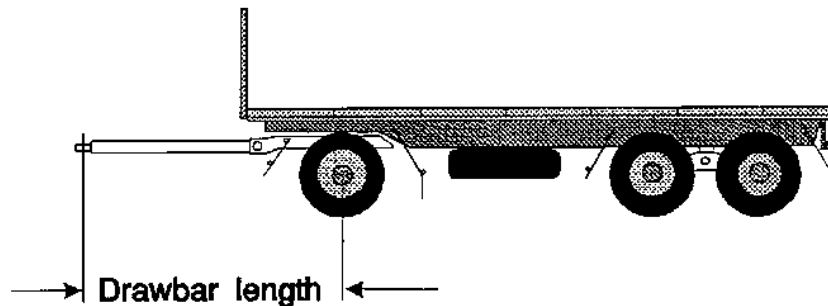
(b) 3.7 metres.

Trailer drawbar length

71. (1) The distance between the coupling pivot point on the drawbar of a dog trailer, and the centre line of the front axle group or of the front single axle of the trailer, must:

(a) not be over 5 metres; and

- (b) not be under 3 metres, if the trailer is used in a road train over 19 metres long.



Length of a drawbar on a dog trailer

(2) The distance between the coupling pivot point on a drawbar, and the centre line of the axle group or single axle on a trailer with only 1 axle group or single axle (except a semi-trailer) must not be over 8.5 metres.

Height

72. (1) A vehicle must not be over 4.3 metres high.

(2) However:

- (a) a vehicle built to carry cattle, sheep, pigs or horses must not be over 4.6 metres high; and
 (b) a double-deck bus must not be over 4.4 metres high.

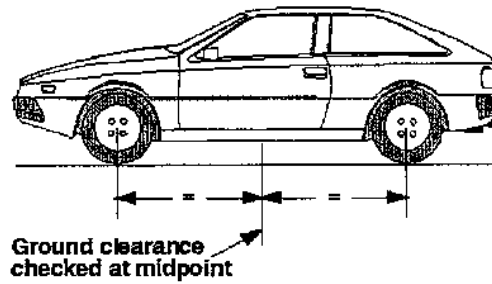
Ground clearance

73. (1) In this rule:

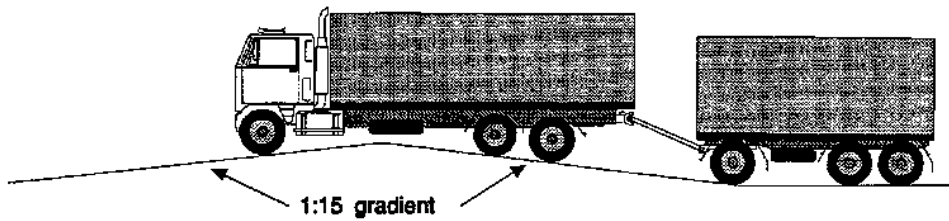
"ground clearance", of a vehicle, means the minimum distance to the ground from a point on the underside of the vehicle, except a point on a tyre, wheel, wheel hub, brake backing plate or flexible mudguard or mudflap of the vehicle.

(2) A motor vehicle or combination must have a ground clearance of:

- (a) at least 100 millimetres at any point within 1 metre of an axle; and
 (b) at least one-thirtieth of the distance between the centres of adjacent axles at the midpoint between them; and
 (c) at any other point—at least the distance that allows the vehicle or combination to pass over a peak in the road with a gradient on either side of 1:15, if the wheels of 1 axle of the vehicle or combination are on the slope on one side of the peak and the wheels of the next axle are on the slope on the other side.



Ground clearance at the mid-point between 2 axles



Ground clearance over a peak in the road

(3) However, subrule (2) does not apply to:

- (a) a motor vehicle with less than 4 wheels; or
- (b) a combination that includes a motor vehicle with less than 4 wheels.

PART 8 LIGHTS AND REFLECTORS

Note: This Part deals with how the lights on a vehicle must be fitted and work so that the driver can see the road, pedestrians and other vehicles at night, and can signal to others.

Other laws provide for when certain lights must be switched on.

In this Part, the description "yellow" is used as a more modern term, instead of the description "amber" which is used in earlier legislation and some ADRs.

DIVISION 1—GENERAL REQUIREMENTS FOR LIGHTS

Certain requirements apply only at night

74. The requirements of this Part for a light, except a brake or direction indicator light, to be visible over a stated distance apply only at night.

Prevention of glare

75. A light, except a high-beam headlight, fitted to a vehicle must be built and adjusted to provide the necessary amount of light, without dazzling the driver of another vehicle approaching, or being approached by, the vehicle.

Pairs of lights

76. (1) If lights are required under the Vehicle Standards to be fitted to a vehicle in pairs:

- (a) a light must be fitted on each side of the longitudinal axis of the vehicle; and
- (b) the centre of each light in a pair must be the same distance from the longitudinal axis of the vehicle; and
- (c) the centre of each light in a pair must be at the same height above ground level; and
- (d) each light in a pair must project approximately the same amount of light of the same colour.

(2) Subrule (1) applies to a motor bike with an attached sidecar as if the sidecar were not attached.

DIVISION 2—HEADLIGHTS

Headlights to be fitted to vehicles

77. (1) A motor vehicle must be fitted with:

- (a) 1 low-beam headlight if it is a moped, motor bike, or motor trike with 1 front wheel; or
- (b) a pair of low-beam headlights if it has 4 or more wheels or is a motor trike, except a moped, with 2 front wheels.

(2) If a motor vehicle built after 1934 can travel at over 60 kilometres an hour:

- (a) each low-beam headlight mentioned in subrule (1) must be able to work in the high-beam position; or

- (b) the vehicle must be fitted with:
- (i) 1 headlight that can work in the high-beam position if the vehicle is required to have 1 low-beam headlight; or
 - (ii) a pair of headlights that can work in the high-beam position.
- (3) A motor bike may be equipped with a headlight modulation system that:
- (a) varies the brightness of its high-beam headlight or low-beam headlight, but not both, at a rate of at least 200 and at most 280 flashes a minute; and
 - (b) is designed to operate only in the daylight.
- (4) Additional headlights may be fitted to a motor bike or motor trike, or a motor vehicle with 4 or more wheels that was built before 1970.
- (5) Additional pairs of headlights may be fitted to a motor vehicle with 4 or more wheels that was built after 1969.

How headlights are to be fitted

78. (1) The centres of low-beam headlights fitted as a pair on a motor vehicle with 4 or more wheels must be at least 600 millimetres apart.

(2) However, subrule (1) does not apply to a motor vehicle built before 1970 if the centres of its low-beam headlights:

- (a) were under 600 millimetres apart when the vehicle was built; and
- (b) are not nearer than they were when the vehicle was built.

(3) Each low-beam headlight of a pair on a motor trike (except a moped) with 2 front wheels must not be over 400 millimetres from the nearer side of the vehicle.

(4) The centre of a low-beam headlight fitted to a motor vehicle built after June 1953 must be:

- (a) at least 500 millimetres above ground level; and
- (b) not over 1.4 metres above ground level.

How single headlights are to be fitted

79. (1) A motor bike or trike with a single headlight fitted must have the light fitted in the centre.

(2) Subrule (1) applies to a motor bike with an attached sidecar as if the sidecar were not attached.

How additional headlights are to be fitted

80. If 2 or more additional headlights are fitted to a motor vehicle with 4 or more wheels, the additional headlights must as far as possible be fitted in pairs.

Performance of headlights

81. (1) When on, a headlight, or additional headlight, fitted to a vehicle must:

- (a) show only white light; and
- (b) project its main beam of light ahead of the vehicle.

(2) Headlights must be fitted to a vehicle so their light does not reflect off the vehicle into the driver's eyes.

Effective range of headlights

82. (1) This rule applies to a headlight that is on at night.

(2) A low-beam headlight must illuminate the road ahead of the vehicle for at least 25 metres.

(3) A high-beam headlight must illuminate the road ahead of the vehicle for at least 50 metres.

(4) However, a low-beam headlight fitted to a motor vehicle built before 1931, or a moped, need only illuminate the road ahead of the vehicle for 12 metres.

Changing headlights from high-beam to low-beam position

83. (1) A motor vehicle built after 1934 that can travel at over 60 kilometres an hour must be fitted with:

- (a) a dipping device enabling the driver in the normal driving position:
 - (i) to change the headlights from the high-beam position to the low-beam position; or
 - (ii) simultaneously to switch off a high-beam headlight and switch on a low-beam headlight; and
- (b) for a vehicle built after June 1953—a device to indicate to the driver that the headlights are in the high-beam position.

(2) A headlight fitted to a vehicle not fitted with a dipping device mentioned in subrule (1) (a) must operate in the low-beam position.

(3) When a headlight fitted to a vehicle is switched to the low-beam position, any other headlight on the vehicle must operate only in the low-beam position or be off.

DIVISION 3—PARKING LIGHTS**Parking lights**

84. (1) A motor vehicle built after June 1953 must be fitted with:

- (a) a pair of parking lights if it is a motor trike with 2 front wheels (except a moped) or a motor vehicle with 4 or more wheels; or
- (b) at least 1 parking light if it is a motor bike with an attached sidecar, or a motor trike with 1 front wheel, (except a moped).

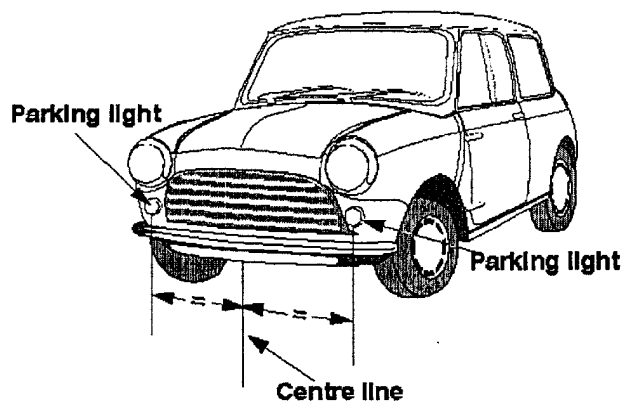
(2) A pair of parking lights fitted to a motor vehicle with 4 or more wheels must be fitted with the centre of each light:

- (a) at least 600 millimetres from the centre of the other light; and
- (b) not over 510 millimetres from the nearer side of the vehicle.

(3) However, a pair of parking lights fitted to a motor vehicle under 1300 millimetres wide may be fitted with the centre of each light not under 400 millimetres from the centre of the other light.

(4) A parking light fitted to a motor trike with 2 front wheels must not be over 400 millimetres from the nearer side of the vehicle.

(5) A parking light fitted to a motor bike with a sidecar must be fitted not over 150 millimetres from the side of the sidecar furthest from the motor bike.



Location of parking lights on a vehicle

(6) When on, a parking light must:

- (a) show a white or yellow light visible 200 metres from the front of the vehicle; and
- (b) not use over 7 watts power.

(7) A parking light fitted to a motor vehicle built after 1969 must be wired so the parking light is on when a headlight on the vehicle is on.

(8) A parking light fitted to a sidecar attached to a motor bike must be wired to operate when a headlight, tail light or parking light on the motor bike is on.

(9) For subrule (3), the width of a vehicle is measured disregarding any anti-skid device mounted on wheels, central tyre inflation systems, lights, mirrors, reflectors, signalling devices and tyre pressure gauges.

DIVISION 4—DAYTIME RUNNING LIGHTS

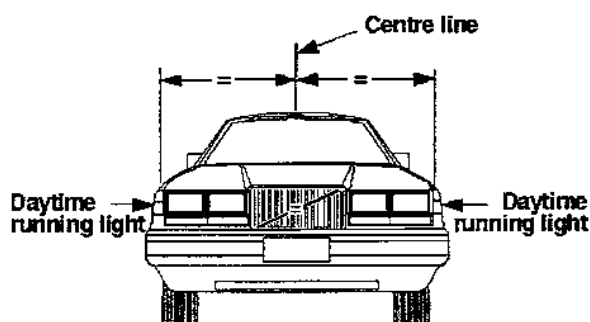
Daytime running lights

85. (1) A pair of daytime running lights may be fitted to a motor vehicle.

(2) A pair of daytime running lights fitted to a vehicle with 4 or more wheels must be fitted with the centre of each light:

- (a) at least 600 millimetres from the centre of the other light; and
- (b) not over 510 millimetres from the nearer side of the vehicle.

(3) However, a pair of daytime running lights fitted to a motor vehicle under 1300 millimetres wide may be fitted with the centre of each light not under 400 millimetres from the centre of the other light.



Location of daytime running lights on a vehicle

(4) When on, a daytime running light must:

- (a) show a white or yellow light visible from the front of the vehicle; and
- (b) not use over 25 watts power.

Note: The third edition ADRs only allow white daytime running lights.

(5) Daytime running lights must be wired so they are off when a headlight, except a headlight being used as a flashing signal, is on.

(6) For subrule (3), the width of a vehicle is measured disregarding any anti-skid device mounted on wheels, central tyre inflation systems, lights, mirrors, reflectors, signalling devices and tyre pressure gauges.

DIVISION 5—TAIL LIGHTS

Tail lights generally

86. (1) A vehicle must have at least 1 tail light fitted on or towards the rear of the vehicle.

(2) A motor trike with 2 rear wheels, or a motor vehicle with 4 or more wheels, built after 1959 must have at least 1 tail light fitted on or towards each side of the rear of the vehicle.

(3) A trailer built after June 1973 must have at least 1 tail light fitted on or towards each side of the rear of the vehicle.

(4) The centre of a tail light mentioned in subrule (1), (2) or (3) must not be over:

- (a) 1.5 metres above ground level; or

(b) if it is not practicable to fit the light lower—2.1 metres above ground level.

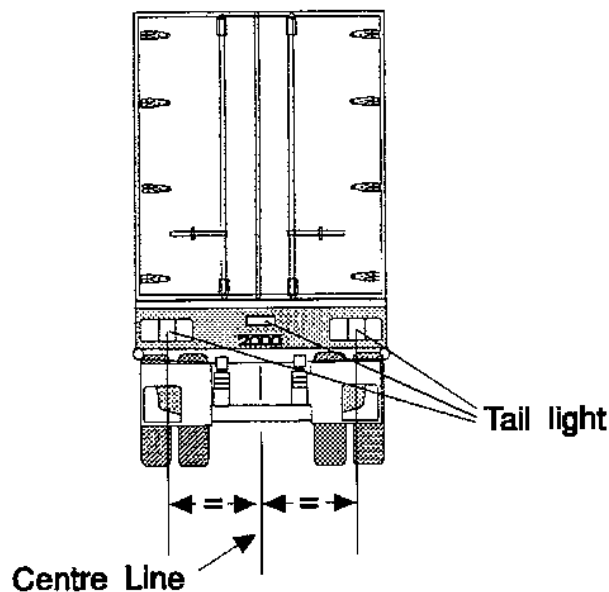
(5) A vehicle may have 1 or more additional tail lights at any height above ground level.

Pattern of fitting tail lights

87. (1) If only 1 tail light is fitted to a vehicle, it must be fitted in the centre or to the right of the centre of the vehicle's rear.

(2) Subrule (1) applies to a motor bike with an attached sidecar as if the sidecar were not attached.

(3) If 2 or more tail lights are fitted to a vehicle, at least 2 must be fitted as a pair.



Location of tail lights on a vehicle

(4) Tail lights fitted in accordance with this Division may also serve as rear clearance lights if they are fitted to a vehicle in accordance with rule 93 (3).

Performance of tail lights

88. (1) When on, a tail light of a vehicle must:

- (a) show a red light visible 200 metres from the rear of the vehicle; and
- (b) not use over 7 watts power.

(2) A tail light fitted to a street rod vehicle may incorporate a blue lens not over 20 millimetres in diameter.

(3) A street rod vehicle is a vehicle that has been modified for safe road use and that:

- (a) has a body and frame that were built before 1949; or
- (b) is a replica of a vehicle the body and frame of which were built before 1949.

Wiring of tail lights

89. A tail light of a motor vehicle must be wired to come on, and stay on, when a parking light or headlight on the vehicle is on, unless an external switch is fitted to operate the tail light.

DIVISION 6—NUMBER PLATE LIGHTS**Number plate lights**

90. (1) At least 1 number plate light must be fitted to the rear of a vehicle.

(2) When on, the number plate light or lights must illuminate a number plate on the rear of the vehicle with white light, so the characters on the number plate can be read at night 20 metres from the rear of the vehicle.

(3) A number plate light:

- (a) may be combined with another light; and
- (b) must not project white light to the rear of the vehicle except by reflection; and
- (c) must not obscure the characters on the number plate; and
- (d) must be wired to come on, and stay on, when a parking light, headlight or tail light on the vehicle is on.

DIVISION 7—CLEARANCE LIGHTS**Front clearance lights**

91. (1) Front clearance lights may only be fitted to a vehicle that is at least 1.8 metres wide.

(2) A pair of front clearance lights must be fitted to a motor vehicle that is at least 2.2 metres wide, or a prime mover.

(3) The centre of a front clearance light must be:

- (a) not over 400 millimetres from the nearer side of the vehicle; and
- (b) if the vehicle was built after June 1953:
 - (i) at least 750 millimetres higher than the centre of any low-beam headlight fitted to the vehicle; or
 - (ii) not lower than the top of the windscreen.

(4) However, a front clearance light may be mounted on an external rear vision mirror or a mirror support if, when the mirror is correctly adjusted, no part of the lens of the clearance light is visible to a person in the normal driving position.

(5) When on, a front clearance light must:

- (a) show a yellow or white light visible 200 metres from the front of the vehicle; and
- (b) not use over 7 watts power.

External cabin lights

92. (1) A motor vehicle fitted with front clearance lights may also have additional forward-facing lights on or above the roof of its cabin.

(2) The additional forward-facing lights must be spaced evenly between the front clearance lights, with their centres at least 120 millimetres apart.

(3) When on, an additional forward-facing light must:

- (a) show a yellow or white light; and
- (b) not use over 7 watts power.

Rear clearance lights

93. (1) Rear clearance lights may only be fitted to a vehicle that is at least 1.8 metres wide.

(2) A pair of rear clearance lights must be fitted to the rear of a vehicle that is at least 2.2 metres wide.

(3) The centre of a rear clearance light must be:

- (a) not over 400 millimetres from the nearer side of the vehicle; and
- (b) if practicable, at least 600 millimetres above ground level.

(4) When on, a rear clearance light must:

- (a) show a red light visible 200 metres from the rear of the vehicle; and
- (b) not use over 7 watts power.

DIVISION 8—SIDE MARKER LIGHTS**Vehicles needing side marker lights**

94. (1) A pair of side marker lights must be fitted towards the rear of the sides of a motor vehicle that is over 7.5 metres long and at least 2.2 metres wide.

(2) A pole-type trailer, and a motor vehicle built to tow a pole-type trailer, with at least 1 cross-bar or bolster must have a side marker light fitted to each side of the back or only cross-bar or bolster.

(3) A pole-type trailer with 2 or more cross-bars or bolsters may also have a side marker light fitted to each side of the front cross-bar or bolster.

(4) At least 2 side marker lights must be fitted to each side of:

- (a) a trailer, except a pole-type trailer, that is at least 2.2 metres wide and not over 7.5 metres long; and
- (b) a semi-trailer that is not over 7.5 metres long.

(5) At least 3 side marker lights must be fitted to each side of:

- (a) a trailer, except a pole-type trailer, that is at least 2.2 metres wide and over 7.5 metres long; and
- (b) a semi-trailer that is over 7.5 metres long.

(6) For subrules (1), (4) and (5), the width of a vehicle is measured disregarding any anti-skid device mounted on wheels, central tyre inflation systems, lights, mirrors, reflectors, signalling devices and tyre pressure gauges.

Location of side marker lights

95. (1) The centre of a side marker light must not be over 150 millimetres from the nearer side of the vehicle.

(2) A front side marker light fitted to a motor vehicle must be towards the front of the side of the vehicle with no part of the lens visible to the driver.

(3) The centre of a front side marker light fitted to a trailer must be:

- (a) within 300 millimetres of the front of the side of the trailer; or
- (b) if the construction of the trailer makes it impracticable to comply with paragraph (a)—as near as practicable to the front of the trailer.

(4) The centre of a rear side marker light fitted to a vehicle must be:

- (a) within 300 millimetres of the rear of the side of the vehicle; or
- (b) if the construction of the vehicle makes it impracticable to comply with paragraph (a)—as near as practicable to the rear of the vehicle.

(5) Side marker lights fitted to a vehicle must, as far as practicable, be evenly spaced along the side of the vehicle.

(6) Subrules (2) to (5) do not apply to side marker lights fitted to a cross-bar or bolster of a pole-type trailer.

(7) Only the side marker lights nearest to the rear need be fitted if complying with subrules (3) and (4) would result in the front and rear side marker lights being under 2.5 metres apart.

(8) A side marker light fitted to a vehicle must be fitted so:

- (a) its centre is not over:
 - (i) 1.5 metres above ground level; or
 - (ii) if it is not practicable to fit it lower—2.1 metres above ground level; and
- (b) its centre is at least 600 millimetres above ground level; and
- (c) it is, as far as practicable, in a row of side marker lights along the side of the vehicle.

(9) Subrule (8) (a) does not apply to a side marker light that is not required to be fitted to the vehicle by rule 94.

Performance of side marker lights

96. (1) When on, a side marker light fitted to a vehicle must:

- (a) show a light visible 200 metres from the vehicle; and
- (b) not use over 7 watts power.

(2) When on, a side marker light fitted to a vehicle must show:

- (a) to the front of the vehicle—a yellow light; and
- (b) to the rear of the vehicle:
 - (i) if the light also operates as a rear light or reflector—a red light; and
 - (ii) in any other case—a red or yellow light.

(3) However, if a pole-type trailer with 2 or more cross-bars or bolsters has the side marker lights permitted by rule 94 (3):

- (a) the side marker lights fitted to the front cross-bar or bolster may comply with subrule (2) (a) only; and
- (b) the side marker lights fitted to the back cross-bar or bolster may comply with subrule (2) (b) only.

Side marker lights and rear clearance lights

97. The side marker light nearest to the rear of a vehicle may also be a rear clearance light for rule 93.

DIVISION 9—BRAKE LIGHTS

Fitting brake lights

98. (1) A brake light must be fitted to the rear of a vehicle built after 1934.

(2) A pair of brake lights must be fitted to the rear of:

- (a) a motor vehicle built after 1959 that has 4 or more wheels; and
- (b) a motor trike built after 1959 that has 2 rear wheels; and
- (c) a trailer built after June 1973.

(3) The centre of a brake light must be:

(a) at least 350 millimetres above ground level; and

(b) not over:

(i) 1.5 metres above ground level; or

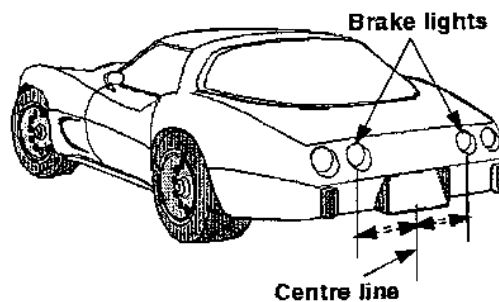
(ii) if it is not practicable to fit the light lower—2.1 metres above ground level.

(4) A vehicle may be fitted with 1 or more additional brake lights.

(5) The centre of an additional brake light must be at least 350 millimetres above ground level.

(6) If only 1 brake light is fitted to a vehicle, it must be fitted in the centre or to the right of the centre of the vehicle's rear.

(7) Subrule (6) applies to a motor bike with an attached sidecar as if the sidecar were not attached.



Location of brake lights on a vehicle

Performance and operation of brake lights

99. (1) When on, a brake light must show a red light visible 30 metres from the rear of the vehicle.

(2) A brake light fitted to a street rod vehicle may incorporate a blue lens not over 20 millimetres in diameter.

(3) A brake light fitted to a motor vehicle must come on, if it is not already on, when:

(a) for a vehicle with 4 or more wheels or built after 1974—a service brake is applied; or

(b) for another vehicle—the rear wheel brake is applied.

(4) Subrule (3) does not apply if the controls in the vehicle that start the engine are in a position that makes it impossible for the engine to operate.

(5) A brake light on a trailer must come on when:

(a) the brake light of the towing vehicle comes on; or

- (b) a brake control on the towing vehicle, which independently activates the service brake on the trailer, is operated.

(6) A brake light may be operated by an engine brake, retarder, or similar device if the device does not interfere with the proper operation of the brake light.

(7) A street rod vehicle is a vehicle that has been modified for safe road use and that:

- (a) has a body and frame that were built before 1949; or
- (b) is a replica of a vehicle the body and frame of which were built before 1949.

DIVISION 10—REVERSING LIGHTS

Reversing lights

100. (1) One or more reversing lights may be fitted to the rear of a vehicle and on each side towards the rear of the vehicle.

(2) A reversing light must have its centre not over 1.2 metres above ground level.

(3) When on, a reversing light must show a white or yellow light to the rear or to the side and rear of the vehicle.

Note: Third edition ADRs only allow white reversing lights.

(4) A reversing light fitted to a motor vehicle must be wired so it operates only when the vehicle is reversing or in reverse gear.

(5) A reversing light fitted to a trailer must be wired so it operates only when a motor vehicle towing the trailer is reversing or in reverse gear.

(6) A yellow reversing light may also operate as a direction indicator light.

DIVISION 11—DIRECTION INDICATOR LIGHTS

Direction indicator lights on motor vehicles

101. (1) A motor vehicle with 4 or more wheels that was built after August 1966 must have:

- (a) a pair of direction indicator lights fitted on, or towards, its front that face forwards; and
- (b) a pair of direction indicator lights fitted on, or towards, its rear that face backwards.

(2) A motor vehicle with less than 4 wheels that was built after June 1975 must have:

- (a) a pair of direction indicator lights fitted on, or towards, its front that face forwards; and
- (b) a pair of direction indicator lights fitted on, or towards, its rear that face backwards.

(3) A motor vehicle that is not required to have direction indicator lights may have:

- (a) 1 or more pairs of direction indicator lights that are visible from both the front and rear of the vehicle; or

(b) both:

- (i) a pair of direction indicator lights fitted on, or towards, its front that face forwards; and
- (ii) a pair of direction indicator lights fitted on, or towards, its rear that face backwards.

Direction indicator lights on trailers

102. (1) A trailer built after June 1973 must have a pair of direction indicator lights fitted on, or towards, its rear that face backwards.

(2) A trailer that is not required to have direction indicator lights may have 1 or more pairs of direction indicator lights fitted on, or towards, its rear that face backwards.

Location of direction indicator lights

103. (1) A pair of direction indicator lights fitted to a vehicle must have the centre of each light at least:

- (a) for a motor bike or the single wheel end of a motor trike—300 millimetres from the centre of the other light; and
- (b) for lights fitted at the 2 wheel end of a motor trike—600 millimetres from the centre of the other light, unless the centre of each direction indicator light is not over 400 millimetres from the nearer side of the vehicle; and
- (c) for another vehicle with a width of not over 1300 millimetres—400 millimetres from the centre of the other light; and
- (d) for another vehicle with a width of over 1300 millimetres—600 millimetres from the centre of the other light.

(2) The centre of each direction indicator light must be at least 350 millimetres above ground level.

(3) The centre of each light in a pair of direction indicator lights required to be fitted to a vehicle must not be over:

- (a) 1.5 metres above ground level; or
- (b) if it is not practicable for the light to be fitted lower—2.1 metres above ground level.

(4) For subrule (1), the width of a vehicle is measured disregarding any anti-skid device mounted on wheels, central tyre inflation systems, lights, mirrors, reflectors, signalling devices and tyre pressure gauges.

Operation and visibility of direction indicator lights

104. (1) A direction indicator light fitted to a motor vehicle must:

- (a) when operating, display regular flashes of light at a rate of not over 120, and:
 - (i) for a motor vehicle with 4 or more wheels—at least 60, flashes a minute; and
 - (ii) for another motor vehicle—at least 45, flashes a minute; and

(b) both:

- (i) a pair of direction indicator lights fitted on, or towards, its front that face forwards; and
- (ii) a pair of direction indicator lights fitted on, or towards, its rear that face backwards.

Direction indicator lights on trailers

102. (1) A trailer built after June 1973 must have a pair of direction indicator lights fitted on, or towards, its rear that face backwards.

(2) A trailer that is not required to have direction indicator lights may have 1 or more pairs of direction indicator lights fitted on, or towards, its rear that face backwards.

Location of direction indicator lights

103. (1) A pair of direction indicator lights fitted to a vehicle must have the centre of each light at least:

- (a) for a motor bike or the single wheel end of a motor trike—300 millimetres from the centre of the other light; and
- (b) for lights fitted at the 2 wheel end of a motor trike—600 millimetres from the centre of the other light, unless the centre of each direction indicator light is not over 400 millimetres from the nearer side of the vehicle; and
- (c) for another vehicle with a width of not over 1300 millimetres—400 millimetres from the centre of the other light; and
- (d) for another vehicle with a width of over 1300 millimetres—600 millimetres from the centre of the other light.

(2) The centre of each direction indicator light must be at least 350 millimetres above ground level.

(3) The centre of each light in a pair of direction indicator lights required to be fitted to a vehicle must not be over:

- (a) 1.5 metres above ground level; or
- (b) if it is not practicable for the light to be fitted lower—2.1 metres above ground level.

(4) For subrule (1), the width of a vehicle is measured disregarding any anti-skid device mounted on wheels, central tyre inflation systems, lights, mirrors, reflectors, signalling devices and tyre pressure gauges.

Operation and visibility of direction indicator lights

104. (1) A direction indicator light fitted to a motor vehicle must:

- (a) when operating, display regular flashes of light at a rate of not over 120, and:
 - (i) for a motor vehicle with 4 or more wheels—at least 60, flashes a minute; and
 - (ii) for another motor vehicle—at least 45, flashes a minute; and

DIVISION 12—FOG LIGHTS**Front fog lights**

105. (1) A pair of front fog lights may be fitted to a motor vehicle with 4 or more wheels.

(2) A pair of front fog lights, or a single front fog light, may be fitted to a motor bike or trike.

(3) A pair of front fog lights fitted to a motor vehicle with 4 or more wheels must have the centre of each light not over 400 millimetres from the nearer side of the vehicle unless the centres of the lights are at least 600 millimetres apart.

(4) If the top of the front fog light is higher than the top of any low-beam headlight on the vehicle, the centre of the fog light must not be higher than the centre of the low-beam headlight.

(5) A front fog light must:

(a) when on:

(i) project white or yellow light in front of the vehicle; and

(ii) be a low-beam light; and

(b) be able to be operated independently of any headlight; and

(c) be fitted so the light from it does not reflect off the vehicle into the driver's eyes.

Rear fog lights

106. (1) A vehicle may have fitted to its rear:

(a) a pair of rear fog lights; or

(b) 1 rear fog light fitted on, or to the right, of the centre of the vehicle.

(2) Subrule (1) (b) applies to a motor bike with an attached sidecar as if the sidecar were not attached.

(3) A rear fog light must:

(a) have its centre:

(i) not over 1.5 metres above ground level; and

(ii) at least 100 millimetres from the centre of a brake light; and

(b) when on, project red light behind the vehicle; and

(c) not use over 27 watts power; and

(d) be wired to a visible device in the vehicle that tells the driver that the rear fog light is operating.

DIVISION 13—INTERIOR LIGHTS

Interior lights

107. A vehicle may be fitted with interior lights that illuminate any interior part of the vehicle.

DIVISION 14—REFLECTORS GENERALLY

General requirements for reflectors

108. (1) A reflector fitted to a vehicle must show a red, yellow or white reflection of light when light is projected directly onto the reflector at night by a low-beam headlight that:

- (a) is 45 metres from the reflector; and
 - (b) complies with the Vehicle Standards.
- (2) The reflection must be clearly visible from the position of the headlight.

DIVISION 15—REAR REFLECTORS

Rear reflectors

109. (1) A motor vehicle with 4 or more wheels, and a trailer, must have a rear-facing red reflector towards each side of its rear.

(2) A motor bike, a sidecar attached to a motor bike, and a motor trike, must have a rear-facing red reflector.

- (3) The centre of each reflector must be:
- (a) at the same height above ground level; and
 - (b) not over 1.5 metres above ground level.

(4) However, subrule (3) does not apply to a reflector fitted to a sidecar attached to a motor bike.

(5) A reflector fitted to a motor vehicle with 4 or more wheels, or a trailer, must not be over 400 millimetres from the nearer side of the vehicle.

(6) A vehicle fitted with rear-facing red reflectors in accordance with subrule (1) or (2) may be fitted with additional red reflectors at any height above ground level or at any distance from the side of the vehicle.

DIVISION 16—SIDE REFLECTORS

Compulsory side reflectors on pole-type trailers

110. (1) Yellow or red side-facing reflectors must be fitted to the pole of a pole-type trailer so:

- (a) 1 reflector is fitted to the middle third of the left and right faces of the pole; and
- (b) the front reflector is not over 3 metres from the front of the trailer; and
- (c) the other reflectors are not over 3 metres apart.

(2) Additional side-facing reflectors may be fitted to a pole-type trailer in accordance with rule 111.

Optional side reflectors

111. (1) A vehicle may be fitted with side-facing reflectors.

(2) A side-facing reflector:

- (a) towards the front of the vehicle must be yellow or white; and
- (b) towards the rear of the vehicle must be yellow or red; and
- (c) on the central part of the vehicle must be yellow.

DIVISION 17—FRONT REFLECTORS

Compulsory front reflectors on trailers

112. (1) A front-facing white or yellow reflector must be fitted towards each side of the front of:

- (a) a semi-trailer, except a pole-type trailer; and
- (b) the front cross-bar or bolster of a pole-type trailer; and
- (c) a trailer that is at least 2.2 metres wide.

(2) Each reflector must have its centre:

- (a) at the same height above ground level; and
- (b) not over 1.5 metres above ground level; and
- (c) not over 400 millimetres from the nearer side of the vehicle.

(3) Additional front-facing reflectors may be fitted to a trailer mentioned in subrule (1) in accordance with rule 113.

Optional front reflectors

113. (1) A motor vehicle with 4 or more wheels, or a trailer, may have 1 or more front-facing white or yellow reflectors fitted towards each side of its front.

(2) A motor vehicle with less than 4 wheels may have 1 or more front-facing white or yellow reflectors.

(3) The centre of at least 1 reflector on each side of the front of the vehicle must be:

- (a) at the same height above ground level as the centre of the other reflector; and
- (b) the same distance from the longitudinal axis of the vehicle as the centre of the other reflector; and

(c) at least:

- (i) for a vehicle with a width under 1300 millimetres—400 millimetres from the centre of the other reflector; and
- (ii) for another vehicle—600 millimetres from the centre of the other reflector.

(4) For subrule (3) (c), the width of a vehicle is measured disregarding any anti-skid device mounted on wheels, central tyre inflation systems, lights, mirrors, reflectors, signalling devices and tyre pressure gauges.

DIVISION 18—WARNING LIGHTS AND SIGNS ON BUSES CARRYING CHILDREN

Application of Division

114. This Division applies to a bus that is used mainly for carrying children if the bus is fitted with warning lights after June 1999.

Note: For warning signs and lights fitted before July 1999, see rule 118.

Fitting of warning lights and signs

115. (1) Two warning lights and a warning sign must be fitted to the front and rear of the bus.

(2) The warning lights must be fitted:

- (a) on each side of, and the same distance from, the centre of the warning sign; and
- (b) with the edge of the warning sign not over 100 millimetres from the nearest point on the lens of the warning lights; and
- (c) with the distance between the warning lights at least 300 millimetres at the nearest point; and
- (d) so no part of the bus obstructs the light displayed:
 - (i) 30° to the left and right of the centre of each light; and
 - (ii) 10° above and below the centre of each light.

(3) The warning lights may be on the warning sign if the words or image on the sign are not obscured.

(4) The warning lights at the same end of the bus must be fitted:

- (a) at the same height; and
- (b) as high as practicable; and
- (c) with the lowest point on the lens of each light not lower than midway between the highest and lowest points on the bus body.

(5) If the centres of the warning lights are under 1.8 metres above ground level, no part of the warning lights or warning sign may be on the left of the bus.

(6) This rule applies to a bus despite any requirement of a third edition ADR.

Operation and performance of warning lights

116. (1) When operating, a warning light must display regular flashes of yellow light at a rate of at least 90, and not over 180, flashes a minute.

(2) The warning lights at the same end of the bus must flash alternately.

(3) Unless the driver has turned the warning lights off, they must operate automatically when a door on the bus opens and for at least 10, and not over 20, seconds after all the doors on the bus have closed.

(4) The bus must have a visible or audible signal that tells the driver when the warning lights are operating.

(5) The bus must be fitted with a switch that allows the driver to turn the warning lights off.

(6) A warning light must have:

(a) an effective lit lens area of at least 60 square centimetres; and

(b) a luminous intensity (in candela) of at least the values mentioned in the following table when measured at the angles mentioned in the table.

Vertical angle from centre of light	Horizontal angle from centre of light								
	-30°	-20°	-10°	-5°	0°	5°	10°	20°	30°
10°				50	80	50			
5°		180	320	350	450	350	320	180	
0°	75	450	100	125	150	125	100	450	75
			0	0	0	0	0		
-5°	40	270	450	570	600	570	450	270	40
-10°				75	75	75			

(7) For subrule (6) (b), the luminous intensity of a light is to be measured in accordance with the test method mentioned in third edition ADR 6.

Specifications for warning signs

117. (1) A warning sign at the front of the bus must:

(a) display the words "school bus" in capital letters at least 100 millimetres high; or

(b) display an image of 2 children in the same proportions as the children in AS 1743 Road Signs—Specifications (image W6-3), with the image of the taller child at least 230 millimetres high.

(2) A warning sign at the rear of the bus must display an image of 2 children in the same proportions as the children in AS 1743 Road Signs—Specifications (image W6-3), with the image of the taller child at least 230 millimetres high.

(3) The warning sign mentioned in subrules (1) (b) and (2) must:

(a) be a rectangular shape at least:

- (i) if warning lights are on the warning sign—550 millimetres wide and 400 millimetres high; and
- (ii) in any other case—400 millimetres wide and 250 millimetres high; and

(b) have a black border; and

(c) have black graphics and be coated with yellow retro-reflective material of class 1 or 2 that meets Australian Standard AS 1906 Retro-reflective Materials and Devices for Road Traffic Control Purposes.

DIVISION 19—OTHER LIGHTS, REFLECTORS, REAR MARKING PLATES OR SIGNALS

Other lights and reflectors

118. (1) In this rule:

"exempt vehicle" means:

- (a) a police vehicle; or
- (b) an emergency vehicle; or
- (c) a Transport Department enforcement vehicle;
- (d) an Australian Protective Service vehicle; or
- (e) an Australian Customs Service vehicle; or
- (f) an Airservices Australia vehicle.

"special use vehicle" means:

- (a) a vehicle built or fitted for use in hazardous situations on a road; or
- (b) a vehicle, or combination, that because of its dimensions is permitted to be driven on a road only in accordance with an oversize or overmass vehicle exemption (*see* section 115 of the *Road Traffic Act 1961*); or
- (c) a vehicle built or fitted to accompany a vehicle, or combination, mentioned in paragraph (b); or
- (d) a bus fitted, before July 1999, with a sign telling road users that the bus carries children.

Examples of special use vehicles to which paragraph (a) applies

1. Tow trucks.
2. Vehicle breakdown service vehicles.

(2) A vehicle may be fitted with any light or reflector not mentioned in the Vehicle Standards.

(3) However, unless subrule (4) applies, a vehicle must not display:

(a) a light that flashes; or

(b) a light or reflector that:

(i) shows a red light to the front; or

(ii) shows a white light to the rear; or

(iii) is shaped or located in a way that reduces the effectiveness of a light or reflector that is required to be fitted to the vehicle under the Vehicle Standards.

(4) Despite any requirement of a third edition ADR, an exempt vehicle may be fitted with any light or reflector, and a special use vehicle may be fitted with 1 or more flashing yellow lights.

Rear marking plates

119. (1) In this rule:

"rear marking plate" means a rear marking plate complying with rule 13.6.101 of third edition ADR 13.

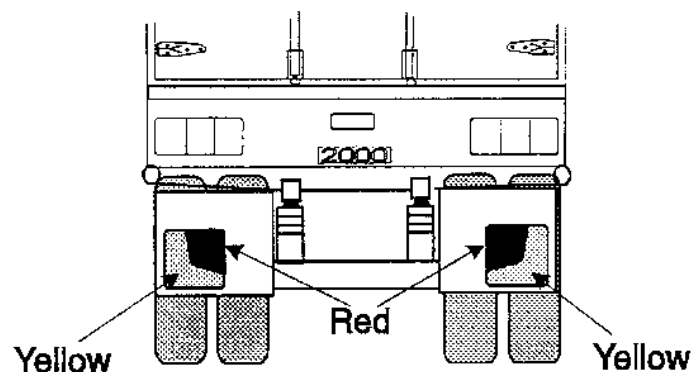
(2) Rear marking plates must be fitted to:

(a) a motor vehicle with a GVM over 12 tonnes, except a bus fitted with hand grips or similar equipment for standing passengers to hold; and

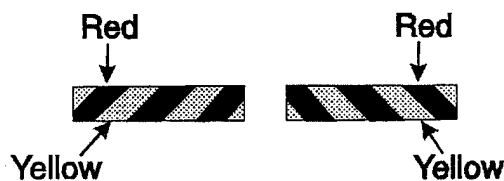
(b) a trailer with a GTM over 10 tonnes.

(3) Subrule (2) applies to a vehicle even if it was built before the date stated in the ADR.

(4) Rear marking plates may be fitted to a motor vehicle with a GVM not over 12 tonnes or a trailer with a GTM not over 10 tonnes.



An example of rear marking plates



An alternative pattern for rear marking plates

Signalling devices

120. (1) This rule applies to a motor vehicle if:

- (a) the vehicle is not fitted with a brake light or direction indicator light mentioned in Division 9 or 11; and
- (b) the construction of the vehicle would otherwise prevent the driver from hand signalling an intention:
 - (i) to turn or move the vehicle to the right; or
 - (ii) to stop or suddenly reduce the speed of the vehicle.

(2) The vehicle must be fitted with a mechanical signalling device or a pair of turn signals.

Mechanical signalling devices

121. (1) A mechanical signalling device must:

- (a) be fitted to the right side of the vehicle; and
- (b) be able to be operated by the driver from a normal driving position; and
- (c) consist of a white or yellow representation of an open human hand at least 15 centimetres long; and
- (d) be constructed so that the driver of the vehicle can keep the device:
 - (i) in a neutral position so it is unlikely that the driver of another vehicle or anyone else would regard it as a signal; and
 - (ii) in a horizontal position with the palm of the hand facing forwards and the fingers pointing out at a right angle to the vehicle to signal an intention to turn or move right; and
 - (iii) with the palm of the hand facing forwards and the fingers pointing upwards to signal an intention to stop or reduce speed suddenly.

(2) When the mechanical signalling device is in a position mentioned in subrule (1) (d) (ii) or (iii), the complete hand must be clearly visible from both the front and the rear of the vehicle, at a distance of 30 metres.

Turn signals

122. A turn signal must:

- (a) consist of a steady or flashing illuminated yellow sign at least 15 centimetres long and 25 millimetres wide that:
 - (i) when in operation—is kept horizontal; and
 - (ii) when not in operation—is kept in a position so it is unlikely that the driver of another vehicle or anyone else would regard it as a signal; and
- (b) be fitted to the side of the motor vehicle at least 50 centimetres and not over 2.1 metres above ground level, in a position so the driver of the vehicle, from the normal driving position, can see whether the signal is in operation; and
- (c) be able to be operated by the driver from the normal driving position; and
- (d) when in operation, be visible from both the front and rear of the vehicle at a distance of 30 metres.

DIVISION 20—VEHICLES NOT REQUIRED TO HAVE LIGHTS OR REFLECTORS**Certain vehicles used in daylight**

123. This Part does not apply to a vehicle built before 1931 that is used only in the daylight.

Certain vehicles used for exhibition purposes

124. This Part does not apply to a vehicle built before 1946 that is used mainly for exhibition purposes.

PART 9 BRAKING SYSTEMS

Note: This Part sets out the braking system requirements for vehicles to ensure that they can be reliably slowed or stopped even if a part of a braking system fails, and to ensure that a vehicle can be prevented from rolling away when parked.

The Part also includes special requirements for braking systems on B-doubles and road trains to ensure that the braking systems on the component vehicles are compatible. The special requirements do not apply to a road train that is 19 metres long or less.

DIVISION 1—BRAKE REQUIREMENTS FOR ALL VEHICLES

Parts of a braking system

125. (1) A brake tube or hose fitted to a vehicle must:

- (a) be manufactured from a material appropriate to its intended use in the vehicle; and
- (b) be long enough to allow for the full range of steering and suspension movements of the vehicle; and
- (c) be fitted to prevent it being damaged during the operation of the vehicle by:
 - (i) a source of heat; or
 - (ii) any movement of the parts to which it is attached or near.

(2) Each component of the braking system of a vehicle with a GVM over 4.5 tonnes must comply with the design and performance requirements of:

- (a) a relevant Australian Standard or British Standard as in force when this subrule commenced; or
- (b) a relevant standard approved by any of the following bodies, and as in force when this subrule commenced:
 - American Society of Automotive Engineers
 - American National Standards Institute
 - Japanese Standards Association
 - Deutsches Institut für Normung
 - International Organisation for Standardisation.

Provision for wear

126. The braking system of a vehicle must allow for adjustment to take account of normal wear.

Supply of air or vacuum to brakes

127. (1) If air brakes are fitted to a vehicle:

- (a) the compressor supplying air to the brakes must be able to build up air pressure to at least 80% of the governor cut-out pressure in not over 5 minutes after the compressed air reserve is fully used up; and
- (b) for a vehicle with a GVM over 4.5 tonnes—the air storage tanks must have sufficient capacity to allow 5 applications of the service brakes before the air pressure drops below half the governor cut-out pressure; and
- (c) there must be an automatic or manual condensate drain valve at the lowest point of each air brake reservoir in the system; and
- (d) any spring brake fitted to the vehicle must not operate before the warning mentioned in rule 131 (4) (a) or 134 (3) (a) has been given.

(2) If vacuum brakes are fitted to a vehicle, the vacuum supply must be able to build up vacuum:

- (a) to the level when the warning signal mentioned in rule 131 (4) (a) or 134 (3) (a) no longer operates within 30 seconds after the vacuum reserve is fully used up; and
- (b) to the normal working level within 60 seconds after the vacuum reserve is fully used up.

Performance of braking systems

128. (1) One sustained application of the brake of a motor vehicle built after 1930, or a combination that includes a motor vehicle built after 1930, must be able to produce the performance mentioned in subrules (2) to (7):

- (a) when the vehicle or combination is on a dry, smooth, level road surface, free from loose material; and
- (b) whether or not the vehicle or combination is loaded; and
- (c) without part of the vehicle or combination moving outside a straight path:
 - (i) centred on the longitudinal axis of the vehicle or combination before the brake was applied; and
 - (ii) 3.7 metres wide.

(2) The braking system of a motor vehicle or combination with a gross mass under 2.5 tonnes must bring the vehicle or combination from a speed of 35 kilometres an hour to a stop within:

- (a) 12.5 metres when the service brake is applied; and
- (b) 30 metres when the emergency brake is applied.

(3) The braking system of a motor vehicle or combination with a gross mass of at least 2.5 tonnes must bring the vehicle or combination from a speed of 35 kilometres an hour to a stop within:

- (a) 16.5 metres when the service brake is applied; and
- (b) 40.5 metres when the emergency brake is applied.

(4) The braking system of a motor vehicle or combination with a gross mass under 2.5 tonnes must decelerate the vehicle or combination, from any speed at which the vehicle or combination can travel, by an average of at least:

- (a) 3.8 metres a second a second when the service brake is applied; and
- (b) 1.6 metres a second a second when the emergency brake is applied.

(5) The braking system of a motor vehicle or combination with a gross mass of at least 2.5 tonnes must decelerate the vehicle or combination, from any speed at which the vehicle or combination can travel, by an average of at least:

- (a) 2.8 metres a second a second when the service brake is applied; and
- (b) 1.1 metres a second a second when the emergency brake is applied.

(6) The braking system of a motor vehicle or combination with a gross mass under 2.5 tonnes must achieve a peak deceleration of the vehicle or combination, from any speed at which the vehicle or combination can travel, of at least:

- (a) 5.8 metres a second a second when the service brake is applied; and
- (b) 1.9 metres a second a second when the emergency brake is applied.

(7) The braking system of a motor vehicle or combination with a gross mass of at least 2.5 tonnes must achieve a peak deceleration of the vehicle or combination, from any speed at which the vehicle or combination can travel, of at least:

- (a) 4.4 metres a second a second when the service brake is applied; and
- (b) 1.5 metres a second a second when the emergency brake is applied.

(8) The parking brake of a vehicle or combination must be able to hold the vehicle or combination stationary on a 12% gradient.

DIVISION 2—MOTOR VEHICLE BRAKING SYSTEMS

Motor vehicle braking system requirements

129. (1) In this rule:

"independent brake", for a vehicle, means a brake that is operated entirely separately from any other brake on the vehicle, except for any drum, disc or part, on which a shoe, band or friction pad makes contact, that is common to 2 or more brakes.

(2) A motor vehicle with 4 or more wheels built, or used, mainly for transporting goods or people by road must be fitted with:

- (a) a braking system that:
 - (i) consists of brakes fitted to all wheels of the vehicle; and
 - (ii) has at least 2 separate methods of activation, arranged so effective braking remains on at least 2 wheels if a method fails; or

- (b) 2 independent brakes, each of which, when in operation, acts directly on at least half the number of wheels of the vehicle.
- (3) The braking system of a motor vehicle mentioned in subrule (2) that was built after 1945 must have a service brake operating on all wheels that, when applied:
- (a) acts directly on the wheels and not through the vehicle's transmission; or
 - (b) acts on a shaft between a differential of the vehicle and a wheel.
- (4) The braking system of a motor vehicle with 4 or more wheels must have a parking brake that:
- (a) is held in the applied position by direct mechanical action without the intervention of an electrical, hydraulic or pneumatic device; and
 - (b) is fitted with a locking device that can hold the brake in the applied position; and
 - (c) has its own separate control.
- (5) The parking brake may also be the emergency brake.
- (6) If 2 or more independent brakes are fitted to a motor vehicle with 4 or more wheels, the brakes must be arranged so brakes are applied to all the wheels on at least 1 axle of the vehicle when any brake is operated.
- (7) A motor bike or motor trike must be fitted with:
- (a) 2 independent brakes; or
 - (b) a single brake that acts directly on all wheels of the vehicle and is arranged so effective braking remains on at least 1 wheel if a part of the system fails.
- (8) Subrule (7) applies to a motor bike with a sidecar attached as if the sidecar were not attached.
- (9) A motor trike must have a parking brake that is held in the applied position by mechanical means.

Operation of brakes on motor vehicles

130. The braking system on a motor vehicle must be arranged to allow the driver of the motor vehicle to apply the brakes from a normal driving position.

Air or vacuum brakes on motor vehicles

131. (1) If a motor vehicle has air brakes, the braking system of the vehicle must include at least 1 air storage tank.

(2) If a motor vehicle has vacuum brakes, the braking system of the vehicle must include at least 1 vacuum storage tank.

(3) An air or vacuum storage tank must be built so the service brake can be applied to meet the performance standards of rule 128 at least twice if the engine of the vehicle stops or the source of air or vacuum fails.

(4) An air or vacuum storage system must:

- (a) be built to give a visible or audible warning to the driver, while in a normal driving position, of a lack of air or vacuum that would prevent the service brake from being applied to meet the performance standards of rule 128 at least twice; and
- (b) be safeguarded by a check valve or other device against loss of air or vacuum if the supply fails or leaks.

(5) However, subrule (4) (a) does not apply to a vehicle with a GVM of 4.5 tonnes or less that is fitted with an air or vacuum assisted braking system.

(6) If air or vacuum brakes are fitted to a motor vehicle equipped to tow a trailer, the brakes of the motor vehicle must be able to stop the motor vehicle, at the performance standards for emergency brakes under rule 128 if the trailer breaks away.

(7) The braking system of a motor vehicle with a GVM over 4.5 tonnes equipped to tow a trailer fitted with air brakes must include protection against loss of supply line air or brake control signal air.

(8) The protection mentioned in subrule (7) must:

- (a) operate automatically if a brake supply line hose connecting the motor vehicle and a trailer fails; and
- (b) maintain enough air pressure to allow the brakes to be applied to meet performance standards for emergency brakes under rule 128; and
- (c) include a visible or audible warning to the driver.

DIVISION 3—TRAILER BRAKING SYSTEMS

Trailer braking requirements

132. (1) A trailer with a GTM over 750 kilograms must have brakes that operate on at least 1 wheel at each end of 1 or more axles of the trailer.

(2) A semi-trailer or converter dolly with a GTM over 2 tonnes must have brakes that operate on all its wheels.

Operation of brakes on trailers

133. (1) The braking system of a trailer with a GTM over 2 tonnes must allow the driver of a motor vehicle towing the trailer to operate the brakes from a normal driving position.

(2) However, subrule (1) does not apply to an unloaded converter dolly that weighs under 3 tonnes if the motor vehicle towing the converter dolly has a GVM over 12 tonnes.

(3) The brakes on a trailer with a GTM over 2 tonnes must:

- (a) operate automatically and quickly if the trailer breaks away from the towing vehicle; and
- (b) remain in operation for at least 15 minutes after a break-away; and
- (c) be able to hold the trailer on a 12% grade while in operation after a break-away.

Air or vacuum brakes on trailers

134. (1) If a trailer has air brakes, its braking system must include at least 1 air storage tank.

(2) If a trailer has vacuum brakes, its braking system must include at least 1 vacuum storage tank.

(3) An air or vacuum storage system must:

(a) be built to give a visible or audible warning to the driver of the towing vehicle, while in a normal driving position, of a lack of air or vacuum that would prevent the brakes from meeting the performance standards of rule 128; and

(b) be safeguarded by a check valve or other device against loss of air or vacuum if the supply fails or leaks.

(4) Subrules (1), (2) and (3) do not apply to a trailer with a GTM of 2 tonnes or less.

DIVISION 4—ADDITIONAL BRAKE REQUIREMENTS FOR B-DOUBLE AND LONG ROAD TRAINS**Application of Division to certain road trains**

135. This Division does not apply to a road train, or a vehicle used in a road train, if the road train has a length of 19 metres or less.

Braking system design for a prime mover in a B-double

136. (1) A prime mover used in a B-double must comply with second edition ADR 35A or third edition ADR 35.

(2) A prime mover used in a B-double must also have an anti-lock braking system complying with third edition ADR 64, if the prime mover:

(a) was built after 1989; or

(b) was first used in a B-double after 1993; or

(c) is used in a B-double that includes a road tank vehicle carrying dangerous goods.

Braking system design for motor vehicles in road trains

137. The performance of the service, secondary and parking brake systems of a motor vehicle used in a road train must comply with second edition ADR 35A or third edition ADR 35 if the vehicle would not otherwise be required to comply with an ADR about braking.

Braking system design for trailers in B-doubles or road trains

138. (1) The performance of the service, secondary and parking brake systems of a trailer (including a converter dolly) used in a B-double or road train must comply with second edition ADR 38 or third edition ADR 38 if the trailer would not otherwise be required to comply with an ADR about braking.

(2) A road train trailer to which subrule (1) applies need not be fitted with a mechanical parking brake if it carries wheel chocks that provide a performance equal to the performance standard required for a parking brake system.

(3) A semi-trailer, regardless of when it was built, must have an anti-lock braking system that complies with third edition ADR 38/01, if:

- (a) it is being used in a B-double that includes a road tank vehicle, whether or not the semi-trailer is itself a road tank vehicle; and
- (b) the road tank vehicle is carrying dangerous goods.

Air brakes of motor vehicles in B-doubles or road trains

139. (1) If a B-double or road train is fitted with brakes that operate using compressed air, the braking system of the motor vehicle must comply with subrules (2) and (3) when:

- (a) the pressure is measured in an 800 millilitre vessel connected by a 2 metre pipe with a bore of approximately 13 millimetres to the coupling head of the braking system; and
- (b) the air pressure before the brakes are applied is not under:
 - (i) the average of the maximum and minimum pressures in the operating pressure range specified by the vehicle's manufacturer; or
 - (ii) if there is no manufacturer's specification—650 kilopascals.

(2) The pressure must reach at least 420 kilopascals within 400 milliseconds after the rapid and complete application of the foot-operated brake control.

(3) After the brakes have been fully applied, the pressure must fall, within half a second after the release of the foot-operated brake control, to 35 kilopascals.

Air brakes in a B-double or road train: least favoured chamber

140. (1) In this rule:

"least favoured chamber" means the brake chamber with the longest line to the treadle valve in the prime mover.

(2) The pressure in the least favoured chamber of the braking system of a B-double or road train with brakes that operate using compressed air must comply with subrules (3) and (4) when the air pressure before the brakes are applied is not under:

- (a) the average of the maximum and minimum pressures in the operating pressure range specified by the vehicle's manufacturer; or
- (b) if there is no manufacturer's specification—650 kilopascals.

(3) The pressure must reach at least 420 kilopascals within:

- (a) for a B-double—1 second after the rapid and complete application of the foot-operated brake control; or
- (b) for a road train—1.5 seconds after the rapid and complete application of the foot-operated brake control.

(4) After the brakes have been fully applied, the pressure must fall to 35 kilopascals, or the pressure at which the friction surfaces cease to contact each other, within:

- (a) for a B-double—1 second after the release of the foot-operated brake control; or
- (b) for a road train—1.5 seconds after the release of the foot-operated brake control.

Recovery of air pressure for brakes in B-doubles and road trains

141. The air pressure in each air brake reservoir in a B-double or road train must recover to at least 420 kilopascals within 1 minute after 3 full brake applications have been made within a 10 second period if, before the 3 brake applications have been made:

- (a) the engine is running at maximum speed; and
- (b) the governor cut-in pressure is no higher than:
 - (i) the pressure specified by the vehicle's manufacturer; or
 - (ii) if there is no manufacturer's specification—550 kilopascals; and
- (c) the air pressure in the storage tanks of the vehicle is not under:
 - (i) the average of the maximum and minimum pressures in the operating pressure range specified by the vehicle's manufacturer; or
 - (ii) if there is no manufacturer's specification—650 kilopascals.

Air supply for brakes in B-doubles and road trains

142. A B-double or road train that uses compressed air to operate accessories must have:

- (a) sufficient air compressor capacity and air receiver volume to ensure that the operation of the accessories does not adversely affect brake performance; and
- (b) a compressed air system built to ensure that the brake system is preferentially charged.

Brake line couplings

143. (1) Brake line couplings on the same part of a vehicle in a B-double or road train must not be interchangeable.

(2) The couplings must be polarised in accordance with Australian Standard AS D8-1971 Hose Couplings for Use with Vacuum and Air-Pressure Braking Systems on Prime Movers, Trailers and Semi-trailers if the hoses used with the brake couplings are used for the same purpose as the hoses mentioned in the standard.

Simultaneous parking brake application

144. (1) If the parking brake of a motor vehicle in a B-double or road train is applied, the parking brakes of any attached trailer must be applied automatically.

(2) This rule does not apply to a trailer carrying wheel chocks complying with rule 138 (2).

Capacity of air reservoirs

145. (1) The capacity of the air storage tanks of a motor vehicle used in a B-double or road train must be at least 12 times the volume of all the brake activation chambers on the motor vehicle.

(2) The capacity of the air storage tanks of a trailer used in a B-double or road train must be at least 8 times the volume of all the brake activation chambers on the trailer.

PART 10
CONTROL OF EMISSIONS

Note: This Part sets out requirements to ensure that motor vehicles do not emit too much smoke or noise and that exhaust gases cannot enter the passenger compartment of a vehicle.

DIVISION 1—CRANK CASE GASES AND VISIBLE EMISSIONS

Crank case gases

146. (1) This rule applies to a motor vehicle with 4 or more wheels that is powered by a petrol engine and was built after 1971.

(2) The vehicle must be built to prevent, or fitted with equipment that prevents, crank case gases from escaping to the atmosphere.

Visible emissions

147. (1) This rule applies to a motor vehicle that is propelled by an internal combustion engine and was built after 1930.

(2) The vehicle must not emit visible emissions for a continuous period of at least 10 seconds.

(3) However, this rule does not apply to emissions that are visible only because of heat or the condensation of water vapour.

DIVISION 2—EXHAUST SYSTEMS

Exhaust systems

148. (1) The outlet of the exhaust system fitted to a motor vehicle with a GVM over 4.5 tonnes (except a bus) must extend:

- (a) behind the back seat; and
 - (b) at least 40 millimetres beyond the outermost joint of the floorpan that is not continuously welded or permanently sealed; and
 - (c) to the edge of the vehicle, if:
 - (i) the body of the vehicle is permanently enclosed; and
 - (ii) the vehicle is not fitted with a vertical exhaust system; and
 - (d) no further than the edge of the vehicle at its widest point.
- (2) The outlet must discharge the main exhaust flow to the air:
- (a) if the vehicle is fitted, or required under a law of this jurisdiction to be fitted, with an exhaust system with a vertical outlet pipe:
 - (i) at an angle above the horizontal; and
 - (ii) at least 150 millimetres above the cab of the vehicle; and
 - (iii) rearwards or to the right of the vehicle; and

(b) in any other case:

(i) horizontally or at an angle of not over

45° downwards; and

(ii) under 750 millimetres above ground level; and

(iii) rearwards or to the right of the vehicle.

(3) An exposed section of a vertical exhaust system fitted to a motor vehicle (except a bus) with a GVM over 4.5 tonnes must be positioned or shielded to prevent injury.

(4) The outlet of the exhaust system fitted to a bus with a GVM over 4.5 tonnes must:

(a) be as near as practicable to the rear of the vehicle; and

(b) extend no further than the edge of the bus at its widest point.

(5) The outlet must discharge the main exhaust flow to the air:

(a) if the bus is fitted, or required under a law of this jurisdiction to be fitted, with an exhaust system with a vertical outlet pipe:

(i) behind the passenger compartment; and

(ii) at an angle above the horizontal; and

(iii) upwards or rearwards; and

(b) in any other case:

(i) horizontally or at an angle of not over

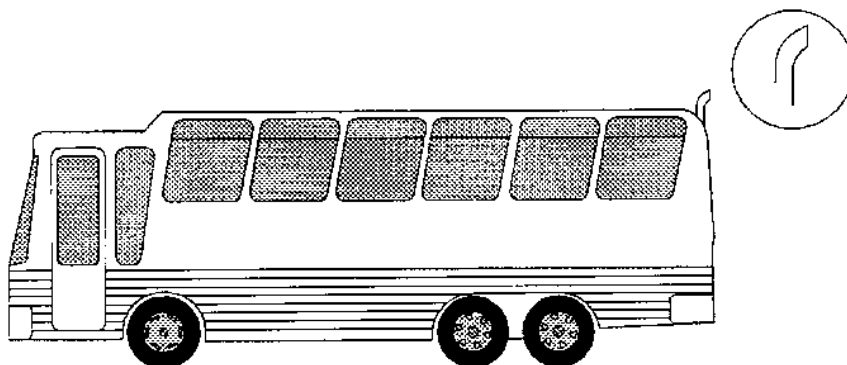
45° downwards; and

(ii) rearwards or to the right of the vehicle.

(6) A vertical exhaust system fitted to a motor vehicle with a GVM over 4.5 tonnes must:

(a) if the vehicle is fitted with an exhaust system with a vertical outlet pipe that does not direct the main exhaust flow straight up—direct the flow rearwards at an angle within 0° to 45° of the longitudinal centre line of the vehicle; and

- (b) if a rain cap is fitted to the outlet pipe—be installed so the hinge of the cap is at an angle of 90° (plus or minus 10°) to the longitudinal centre line of the vehicle when viewed from above.



Bus exhaust outlet pipe

DIVISION 3—NOISE EMISSIONS

Silencing device for exhaust systems

149. A motor vehicle propelled by an internal combustion engine must be fitted with a silencing device through which all the exhaust from the engine passes.

Stationary noise levels—car-type vehicles and motor bikes and trikes

150. (1) In this rule:

"car-type vehicle" means:

- (a) a car; or
- (b) a utility truck, panel van, or another motor vehicle derived from a car design; or
- (c) another motor vehicle with 4 or more wheels that is built mainly to carry not over 9 people including the driver.

(2) The stationary noise level of a car-type vehicle, or motor bike or trike, must not exceed:

- (a) for a car-type vehicle built after 1982—90 dB(A); or
- (b) for another car-type vehicle—96 dB(A); or
- (c) for a motor bike or trike built after February 1985—94 dB(A); or
- (d) for another motor bike or trike—100 dB(A).

(3) However, this rule does not apply to a car-type vehicle built after 1982 for 2 years after the commencement of this rule, if:

- (a) the stationary noise level of the vehicle does not exceed 96 dB(A); and

- (b) the stationary noise level limit applying to the vehicle under the law of the State or Territory where the vehicle is registered, or otherwise authorised to be driven on a road or road-related area, by a vehicle registration authority is not 90 dB(A) or less.

Stationary noise levels—other vehicles with spark ignition engines

151. (1) This rule applies to a motor vehicle (except a motor vehicle to which rule 150 applies) with a spark ignition engine.

(2) The stationary noise level of the motor vehicle must not exceed the noise level applying to the vehicle under the table.

Column 1 Item	Column 2 GVM (t)	Column 3 Exhaust height (mm)	Column 4 When vehicle built	Column 5 Noise level (dB(A))
1	≤ 3.5	< 1500	before July 1983	92
			after June 1983	89
2	> 3.5	< 1500	before July 1983	98
			after June 1983	95
3	≤ 3.5	≥ 1500	before July 1983	88
			after June 1983	85
4	> 3.5	≥ 1500	before July 1983	94
			after June 1983	91

Stationary noise levels—other vehicles with diesel engines

152. (1) This rule applies to a motor vehicle (except a motor vehicle to which rule 150 applies) with a diesel engine.

(2) The stationary noise level of the motor vehicle must not exceed the noise level applying to the vehicle under the table.

Column 1 Item	Column 2 GVM (t)	Column 3 Exhaust height (mm)	Column 4 When vehicle built	Column 5 Noise level (dB(A))
1	≤ 3.5	< 1500	before July 1980	105
			after June 1980 but before July 1983	102
			after June 1983	99
2	> 3.5 but ≤ 12	< 1500	before July 1980	107
			after June 1980 but before July 1983	104
			after June 1983	101

Column 1 Item	Column 2 GVM (t)	Column 3 Exhaust height (mm)	Column 4 When vehicle built	Column 5 Noise level (dB(A))
3	> 12	< 1500	before July 1980	109
			after June 1980 but before July 1983	106
			after June 1983	103
4	≤ 3.5	≥ 1500	before July 1980	101
			after June 1980 but before July 1983	98
			after June 1983	95
5	> 3.5 but ≤ 12	≥ 1500	before July 1980	103
			after June 1980 but before July 1983	100
			after June 1983	97
6	> 12	≥ 1500	before July 1980	105
			after June 1980 but before July 1983	102
			after June 1983	99

Measurement of stationary noise levels

153. For this Division, the stationary noise level of a motor vehicle is to be measured in accordance with the test method from time to time approved by the Minister by notice published in the *Gazette*.

PART 11
LPG FUEL SYSTEMS

Note: This Part sets out requirements to ensure that LPG fuel systems are safely installed in motor vehicles and that vehicles with LPG installed can be identified as LPG-powered vehicles.

LPG-powered vehicles

154. (1) A motor vehicle equipped to run on LPG must comply with the requirements for the use of LPG in vehicles in:

- (a) Australian Standard AS 1425 as in force from time to time; or
- (b) if an earlier version of the standard was current when the vehicle was first equipped to run on LPG—that version.

(2) A vehicle equipped to run on LPG must have fixed conspicuously to the front and rear number plates a label that is:

- (a) made of durable material; and
- (b) at least 25 millimetres wide and 25 millimetres high; and
- (c) reflective red conforming to Australian Standard AS 1742-1975 Manual of Uniform Traffic Control Devices, Appendix C, Class 2; and
- (d) marked "LPGAS" or "LPG", or with words or acronyms to similar effect, in capital letters at least 6 millimetres high.

PART 12
MAXIMUM ROAD SPEED LIMITING

Note: This Part requires certain heavy vehicles built after 1987, but before July 1991, to have a restricted top speed. However, emergency vehicles and certain 2-axle prime movers owned by farmers and used in primary production are exempt.

Speed limiting

155. (1) A bus with a GVM over 14.5 tonnes that was built after 1987 must comply with third edition ADR 65.

(2) A prime mover with a GVM over 15 tonnes that was built after 1987 must comply with third edition ADR 65.

(3) For third edition ADR 65, the maximum road speed capability of a motor vehicle used in a road train is the speed from time to time fixed by the Minister by notice published in the *Gazette*.

Exemptions from speed limiting

156. Rule 155 does not apply to:

- (a) an emergency vehicle or police vehicle; or
- (b) a bus fitted with hand grips or similar equipment for standing passengers to hold; or
- (c) a 2-axle prime mover if:
 - (i) it was built after 1987 but before July 1991; and
 - (ii) its owner is a person who uses it for agriculture, horticulture, or other primary production activities (except forestry, fishing and mining).

PART 13
MECHANICAL CONNECTIONS BETWEEN VEHICLES

Note: This Part sets out various requirements to ensure that the couplings used when operating motor vehicles and trailers in combinations are strong enough to hold them together.

The requirements in this Part about the mechanical connections between vehicles in a road train do not apply to a road train 19 metres long or less.

DIVISION 1—COUPLINGS ON ALL TYPES OF VEHICLES

General coupling requirements

157. (1) A fifth wheel coupling, the mating parts of a coupling, a kingpin or a towbar must not be used for a load more than the manufacturer's load rating.

(2) A kingpin must be used only with a fifth wheel coupling that has a corresponding jaw size.

Example

An adaptor must not be used to fit a kingpin to a fifth wheel coupling.

(3) The mating parts of a coupling used to connect a semi-trailer to a towing vehicle must not allow the semi-trailer to roll to an extent that makes the towing vehicle unstable.

Drawbar couplings

158. (1) A coupling for attaching a trailer, except a semi-trailer or pole-type trailer, to a towing vehicle must be built and fitted so:

- (a) the coupling is equipped with a positive locking mechanism; and
- (b) the positive locking mechanism can be released regardless of the angle of the trailer to the towing vehicle.

(2) If the trailer is in a combination and is not fitted with breakaway brakes in accordance with rule 133 (3), it must be connected to the towing vehicle by at least 1 chain, cable or other flexible device, as well as the coupling required by subrule (1).

(3) The connection must be built and fitted so:

- (a) the trailer is kept in tow if the coupling breaks or accidentally detaches; and
- (b) normal angular movement of the coupling is permitted without unnecessary slack.

(4) If practicable, the connection must be built and fitted so the drawbar of the trailer is prevented from hitting the ground if the coupling accidentally detaches.

**DIVISION 2—ADDITIONAL COUPLING REQUIREMENTS FOR B-DOUBLES
AND LONG ROAD TRAINS**

Application of Division to road trains

159. This Division does not apply to a vehicle, coupling, or part of a coupling, used in a road train not over 19 metres long.

Couplings for B-doubles and road trains

160. (1) A fifth wheel coupling used to connect a towing vehicle to a semi-trailer used in a B-double or road train must not be built with a pivot that allows a semi-trailer to roll relative to the towing vehicle.

(2) However, subrule (1) does not apply to a fifth wheel coupling if:

- (a) the semi-trailer design requires torsional stresses to be minimised; and
- (b) the roll axis of the fifth wheel coupling is above the surface of the coupler plate; and
- (c) the degree of rotation allowed around the roll axis of the fifth wheel coupling is restricted to prevent roll instability.

(3) A trailer with only 1 axle group, or a single axle, (except a semi-trailer or a converter dolly) that is used in a road train must not have a coupling fitted at its rear.

Selection of fifth wheel couplings for B-doubles and road trains

161. (1) A fifth wheel coupling used in a B-double or road train must have a D-value complying with Australian Standard AS 1773-1990 Articulated Vehicles—Fifth Wheel Assemblies.

(2) A turntable used in a B-double or road train must have a D-value complying with Australian Standard AS 1773-1990 Articulated Vehicles—Fifth Wheel Assemblies.

(3) If a fifth wheel coupling used in a B-double or road train is built for a 50 millimetre or 90 millimetre kingpin, the coupling must:

- (a) meet the dimension requirements in Australian Standard AS 1773-1990 Articulated Vehicles—Fifth Wheel Assemblies; and
- (b) not be worn away more than recommended by the standard.

(4) If a fifth wheel coupling used in a B-double or road train is built for a 75 millimetre kingpin, the coupling must:

- (a) be compatible with the kingpin mentioned in rule 165 (3); and
- (b) not be worn away so that it does not comply with rule 162.

D-value of a fifth wheel coupling

162. In testing a fifth wheel coupling built for a 75 millimetre kingpin used in a B-double or road train to decide whether its D-value complies with rule 161 (1), the longitudinal movement (after readjusting the jaws of the coupling using a kingpin built to the dimensions mentioned in rule 165 (3) (a)) must not be over 4 millimetres.

Mounting of fifth wheel couplings on B-doubles and road trains

163. A fifth wheel coupling must be mounted on a prime mover, or a semi-trailer used in a B-double or road train, in accordance with Australian Standard AS 1771-1987 Installation of Fifth Wheel and Turntable Assemblies.

Branding of fifth wheel couplings and turntables on B-doubles and road trains

164. (1) A fifth wheel coupling on a vehicle built after June 1991 forming part of a B-double or road train must be clearly and permanently marked in accordance with Australian Standard AS 1773-1990 Articulated Vehicles—Fifth Wheel Assemblies with:

- (a) the name or trademark of its manufacturer; and
- (b) its D-value rating; and
- (c) its nominal size.

(2) A turntable used in a vehicle built after the commencement of this rule that forms part of a B-double or road train must be marked with:

- (a) the name or trademark of the turntable's manufacturer; and
- (b) the D-value rating of the turntable in accordance with Australian Standard AS 1773-1990 Articulated Vehicles—Fifth Wheel Assemblies.

Selection of kingpins for B-doubles and road trains

165. (1) A kingpin used in a B-double or road train must:

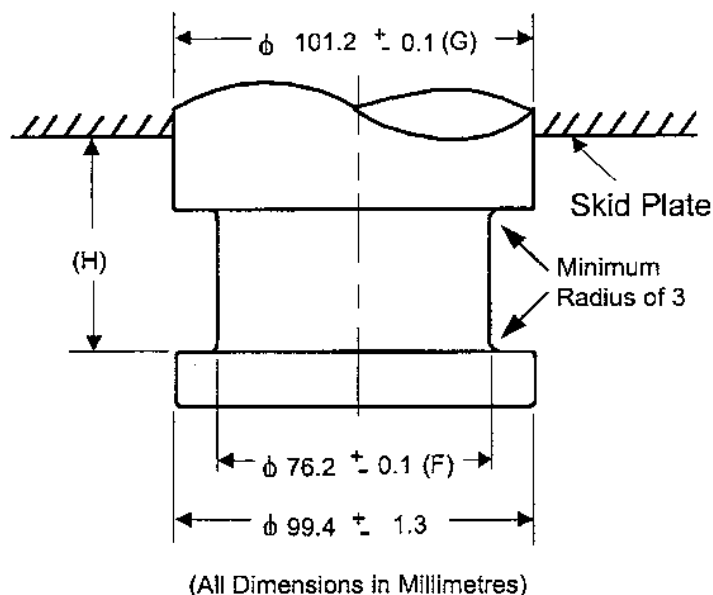
- (a) be a 50, 75 or 90 millimetre kingpin; and
- (b) have a D-value complying with Australian Standard AS 2175-1990 Articulated Vehicles—Kingpins.

(2) A 50 or 90 millimetre kingpin used in a B-double or road train must:

- (a) be built to meet the dimension requirements in Australian Standard AS 2175-1990 Articulated Vehicles—Kingpins; and
- (b) not be worn away more than recommended by the standard.

(3) A 75 millimetre kingpin used in a B-double or road train must:

- (a) be built to meet the dimensions in the following essential diagram; and
- (b) not be worn away more than mentioned in subrule (4).



Dimensions of a 75 millimetre kingpin

(4) In testing a 75 millimetre kingpin mentioned in the essential diagram in subrule (3) to decide whether its D-value complies with subrule (1) (b):

- (a) diameter F must not wear more than 3 millimetres; and
- (b) diameter G must not wear more than 2 millimetres; and
- (c) height H must not wear more than 2.3 millimetres.

Attachment of kingpins on B-doubles and road trains

166. A kingpin used in a trailer that forms part of a B-double or road train must be attached in accordance with:

- (a) the manufacturer's specifications and instructions; or
- (b) the guidelines detailed in Australian Standard AS 2175-1990 Articulated Vehicles—Kingpins.

Branding of kingpins on B-doubles and road trains

167. A kingpin used in a trailer built after June 1991 that forms part of a B-double or road train must be clearly and permanently marked on the lower circular face of the kingpin in accordance with Australian Standard AS 2175-1990 Articulated Vehicles—Kingpins with:

- (a) the name or trademark of its manufacturer; and
- (b) its D-value rating; and
- (c) its nominal size.

Selection of couplings and drawbar eyes for roadtrains

168. A drawbar-type coupling, or drawbar eye, used in a road train must:

- (a) be a 50 millimetre pin type; and
- (b) have a D-value complying with Australian Standard AS 2213-1984 50mm Pin Type Couplings and Drawbar Eyes for Trailers; and
- (c) be built to the dimensions mentioned in the standard; and
- (d) not be worn away more than is recommended in the standard.

Attachment of couplings and drawbar eyes on roadtrains

169. A drawbar-type coupling, or drawbar eye, used in a road train must be built and positioned so:

- (a) when the road train is moving, the drawbar can move at least 15° upwards or downwards from the position it occupies when the road train is parked on level ground; and
- (b) the pivot point of the coupling is not over 300 millimetres forward of the rear of the trailer to which it is attached; and
- (c) it is at a height of at least 800 millimetres, but not over 950 millimetres, when the road train is unloaded and parked on level ground.

Branding of couplings and drawbar eyes on roadtrains

170. A drawbar-type coupling, or drawbar eye, used on a vehicle built after June 1991 that forms part of a road train must be clearly and permanently marked in accordance with Australian Standard AS 2213-1984 50mm-Pin Type Couplings and Drawbar Eyes for Trailers with:

- (a) the name or trademark of its manufacturer; and
- (b) its D-value rating.

Tow coupling overhang on road trains

171. (1) In this rule:

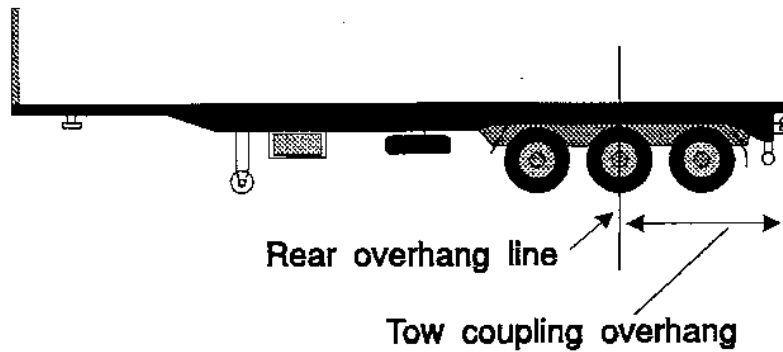
"**tow coupling overhang**", of a vehicle, means the horizontal distance from the centre of the axle group, or the centre line of the single axle, at the rear of the vehicle to the pivot point of the coupling near the rear of the vehicle.

(2) The tow coupling overhang of a motor vehicle, except a prime mover, used in a road train must not be more than the greater of:

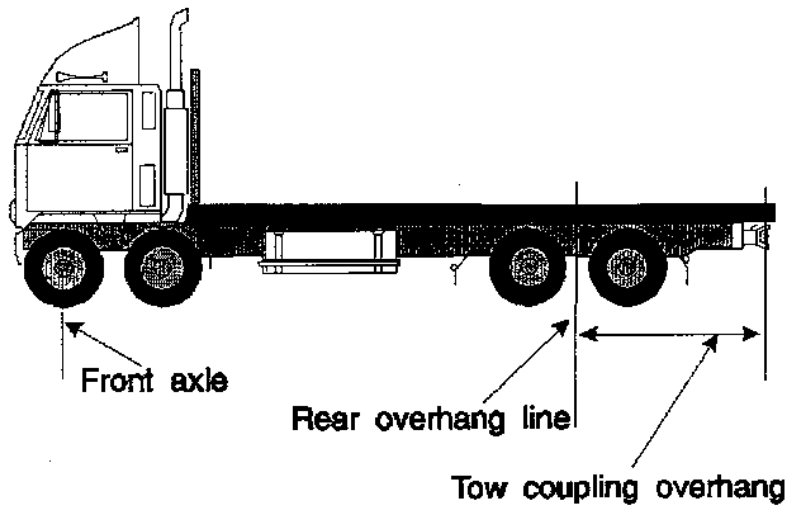
- (a) 30% of the distance from the centre of the front axle to the centre of the axle group or single axle at the rear of the vehicle; and
- (b) 2.7 metres.

(3) The tow coupling overhang of a semi-trailer, or a dog trailer consisting of a semi-trailer and converter dolly, used in a road train must not be more than 30% of the distance from the point of articulation to the centre of the axle group or single axle at the rear of the vehicle.

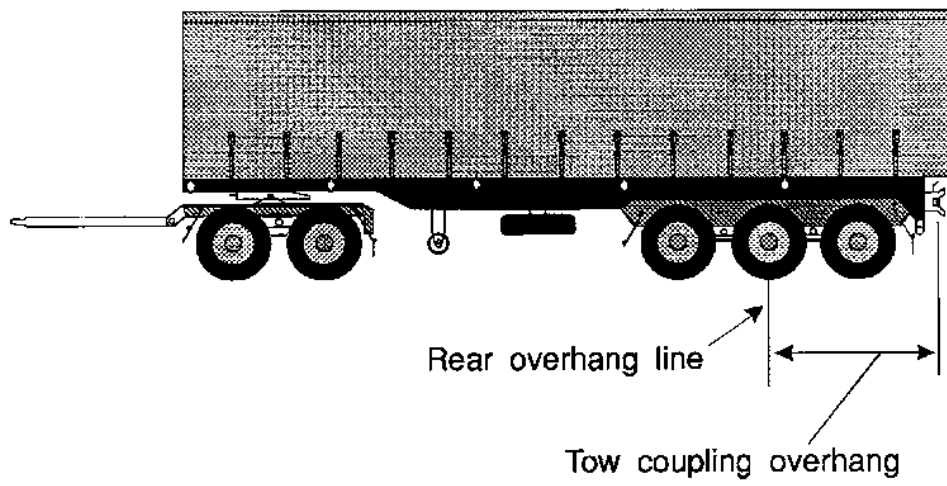
(4) The tow coupling overhang of another dog trailer used in a road train must not be more than 30% of the distance from the centre of the front axle group or single axle to the centre of the axle group or single axle at the rear of the vehicle.



Tow coupling overhang—semi-trailer with extra coupling at rear



Tow coupling overhang—motor vehicle



Tow coupling overhang—dog trailer

PART 14
OTHER MATTERS

Vehicle equipment

172. A vehicle is taken to have equipment mentioned in the Vehicle Standards only if the equipment is in working order.

Restored vehicles

173. (1) For the Vehicle Standards, a restored vehicle is taken to have been built when it was originally built and not when it was restored.

(2) In this rule:

"**restored vehicle**" means a vehicle that is being, or has been, restored to its manufacturer's specifications, so far as it is practicable to meet the specifications.

Retractable axles

174. (1) For the Vehicle Standards, a retractable axle is taken to be an axle only when it is in the lowered position.

(2) In this rule:

"**retractable axle**" means an axle with a means of adjustment enabling it to be raised or lowered relative to the other axles in the axle group.

Measurement of distance between parallel lines

175. For the Vehicle Standards, a distance between 2 parallel lines is measured at right angles between the lines.

Interpretation of certain second edition ADRs

176. The words "left" and "right" in the following second edition ADRs have the opposite meaning in the application of the ADRs, in accordance with the Vehicle Standards, to a motor vehicle with a left-hand drive:

- ADR 8 Safety Glass
- ADR 12 Glare Reduction in Field of View
- ADR 14 Rear Vision Mirrors
- ADR 16 Windscreen Wipers and Washers
- ADRs 18 and 18A Location and Visibility of Instruments
- ADRs 35 and 35A Commercial Vehicle Braking Systems.

Note: The following table contains a list of some terms used in the third edition ADRs and the corresponding term used in the Vehicle Standards.

Third edition ADRs	Vehicle Standards
dipped-beam headlamp	low-beam (for a headlight)
front fog lamp	front fog light
rear fog lamp	rear fog light
wheelguard	mudguard
main-beam headlamp	high-beam (for a headlight)
reversing lamp	reversing light
direction indicator lamp	direction indicator light
stop lamp	brake light
rear registration plate lamp	number plate light
front position (side) lamp	parking light
rear position (side) lamp	tail light
end-outline marker lamp	front or rear clearance light
external cabin lamp	external cabin light
internal lamp	interior light
side marker lamp	side marker light
daytime running lamp	daytime running light
rear reflex reflector, non-triangular	rear reflector
front reflex reflector, non-triangular	front reflector
side reflex reflector, non-triangular	side reflector

DICTIONARY

"**50 millimetre kingpin**" means a kingpin meeting the dimension requirements for a 50 millimetre kingpin in Australian Standard AS 2175-1990 Articulated Vehicles Kingpins.

"**75 millimetre kingpin**" means a kingpin with the dimensions mentioned in rule 165 (3).

"**90 millimetre kingpin**" means a kingpin meeting the dimension requirements for a 90 millimetre kingpin in Australian Standard AS 2175-1990 Articulated Vehicles Kingpins.

"**adopted standard**"—*see rule 24.*

"**ADR**"—*see rule 14.*

"**air brake**" means an air-operated or air-assisted brake.

"**another jurisdiction**" means another State or a Territory of the Commonwealth.

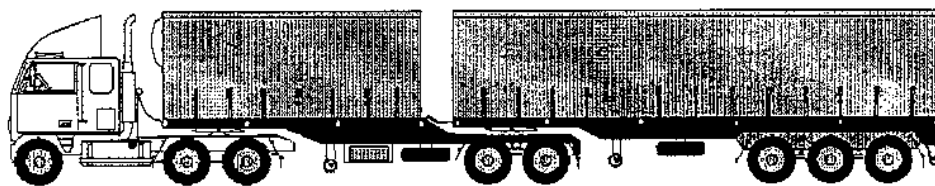
"**articulated bus**" means a bus with at least 2 rigid sections that allow passengers access between the sections and are connected to allow rotary movement between the sections.

"**Australian Standard**" means a standard approved for publication on behalf of the Council of the Standards Association of Australia.

"**axle**" means 1 or more shafts, positioned in a line across a vehicle, on which 1 or more wheels intended to support the vehicle turn.

"**axle group**" means a single, tandem, twinsteer, tri, or quad axle group.

"**B-double**" means a combination consisting of a prime mover towing 2 semi-trailers where the first semi-trailer is connected to the prime mover by a fifth wheel coupling and the second semi-trailer is connected to the first semi-trailer by a fifth wheel coupling.



B-double

"**braking system**", of a vehicle, means all the brakes of the vehicle and all the components of the mechanisms by which they are operated.

"**British Standard**" means a standard approved for publication on behalf of the British Standards Institution.

"**British Standards Institution**" means the institution of that name established under royal charter in the United Kingdom.

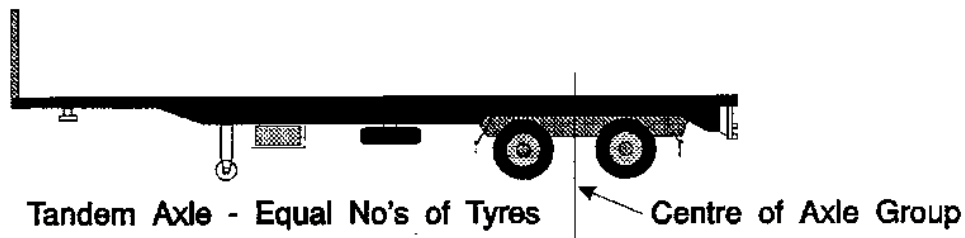
"**bus**" means a motor vehicle built mainly to carry people that seats over 9 adults (including the driver).

"car" means a motor vehicle built mainly to carry people that:

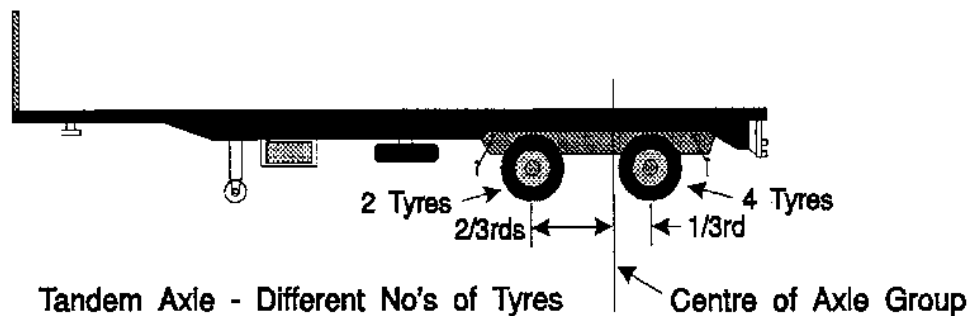
- (a) seats not over 9 adults (including the driver); and
- (b) has a body commonly known as a sedan, station wagon, coupe, convertible, or roadster; and
- (c) has 4 or more wheels.

"centre line", of an axle group, means:

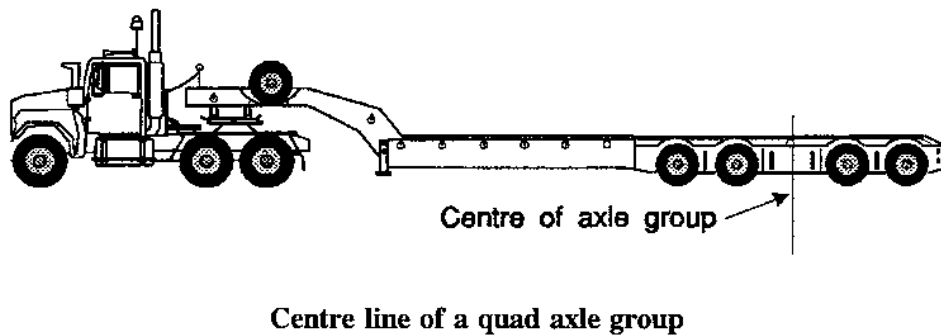
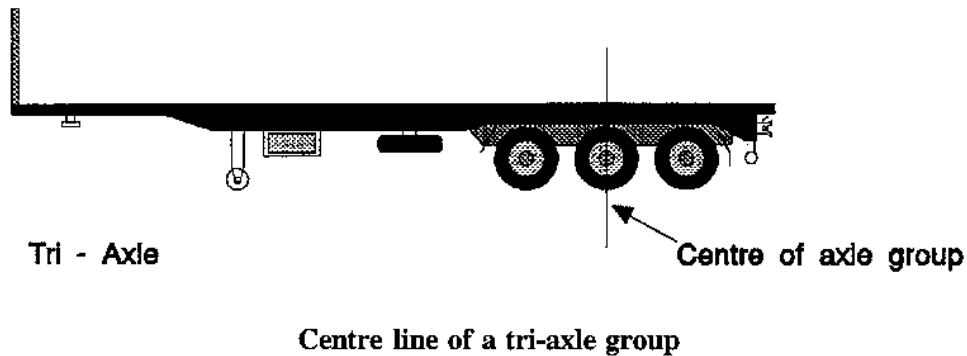
- (a) a line located midway between the centre lines of the outermost axles of the group; or
- (b) if the group consists of 2 axles, one of which is fitted with twice the number of tyres as the other axle—a line located one-third of the way from the centre line of the axle with more tyres towards the centre line of the axle with fewer tyres.



Centre line of a tandem axle group fitted with an equal number of tyres on each axle



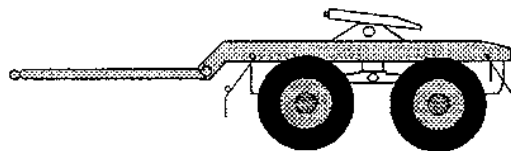
Centre line of a tandem axle group fitted with a different number of tyres on each axle



"combination" means a group of vehicles consisting of a motor vehicle connected to 1 or more vehicles.

"controlled access bus" means a bus, except an articulated bus, over 12.5 metres long.

"converter dolly" means a trailer with 1 tandem axle group or single axle and a fifth wheel coupling, designed to convert a semi-trailer into a dog trailer.



Converter dolly

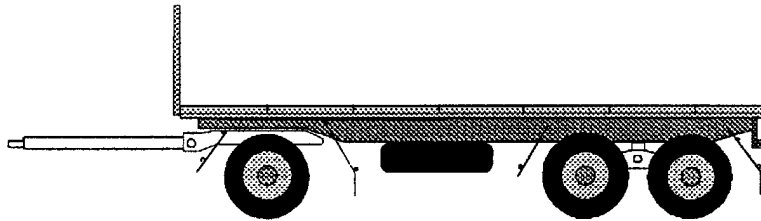
"dangerous goods" has the meaning given by regulation 2.2 of the *Road Transport Reform (Dangerous Goods) (South Australia) Regulations 1998*.

"daytime" means the period beginning at sunrise and ending at sunset.

"dog trailer" means a trailer (including a trailer consisting of a semi-trailer and converter dolly) with:

- (a) 1 axle group or single axle at the front that is steered by connection to the towing vehicle by a drawbar; and

- (b) 1 axle group or single axle at the rear.



Dog trailer

"**drawbar**" means a part of a trailer (except a semi-trailer) connecting the trailer body to a coupling for towing purposes.

"**drive**" includes be in control of.

"**driver**", of a vehicle, means the person driving the vehicle.

"**emergency brake**" means a brake designed to be used if a service brake fails.

"**emergency vehicle**" means a vehicle driven by any of the following in the course of his or her duty:

- (a) an officer or employee of the South Australian Metropolitan Fire Service or a member of a fire brigade registered under the *South Australian Metropolitan Fire Service Act 1936*;
- (b) an officer, employee or member of the Country Fire Service under the *Country Fires Act 1989*;
- (c) a person engaged in the provision of ambulance services under the *Ambulance Services Act 1992*;
- (d) a person engaged in the provision of services on behalf of St. John Ambulance Australia, S.A. Incorporated;
- (e) a member of State Emergency Service South Australia or an emergency officer under the *State Emergency Service Act 1987*;
- (f) an authorised officer under the *State Disaster Act 1980*;
- (g) a member of the armed forces of the Commonwealth engaged in police, fire fighting or ambulance duties or duties in connection with the urgent disposal of explosives or any emergency.

"**fifth wheel coupling**" means a device, other than the upper rotating element and the kingpin (which are parts of a semi-trailer), used with a prime mover, semi-trailer, or a converter dolly to permit quick coupling and uncoupling and to provide for articulation.

"**front fog light**" means a light used to improve the illumination of the road in case of fog, snowfall, heavy rain or a dust storm.

"GTM" (gross trailer mass) means the mass transmitted to the ground by the axles of a trailer when the trailer is loaded to its GVM and connected to a towing vehicle.

"GVM" (gross vehicle mass) means the maximum loaded mass of a vehicle:

- (a) as specified by the manufacturer; or
- (b) as specified by the vehicle registration authority if:
 - (i) the manufacturer has not specified a maximum loaded mass; or
 - (ii) the manufacturer cannot be identified; or
 - (iii) the vehicle has been modified to the extent that the manufacturer's specification is no longer appropriate.

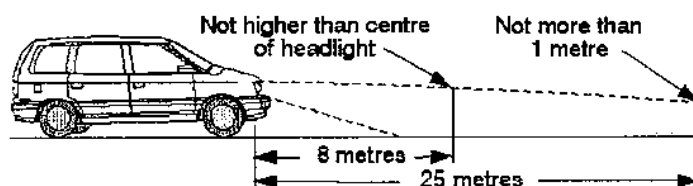
"high-beam", for a headlight or front fog light fitted to a vehicle, means that the light is built or adjusted so, when the vehicle is standing on level ground, the top of the main beam of light projected is above the low-beam position.

"left", for a vehicle, means to the left of the centre of the vehicle when viewed by a person in the vehicle who is facing to the front of the vehicle.

"load", in relation to a vehicle, includes anything that is normally removed from the vehicle when not in use; and "unloaded" has a corresponding meaning.

"low-beam", for a headlight or front fog light fitted to a vehicle, means that the light is built or adjusted so, when the vehicle is standing on level ground, the top of the main beam of light projected is:

- (a) not higher than the centre of the headlight or fog light, when measured 8 metres in front of the vehicle; and
- (b) not over 1 metre higher than the level where the motor vehicle is standing, when measured 25 metres in front of the vehicle.



A headlight in the low-beam position

"Ministerial Council" means the Ministerial Council for Road Transport established by the Heavy Vehicles Agreement, a copy of which is set out in Schedule 1 to the *National Road Transport Commission Act 1991* of the Commonwealth, as in force from time to time.

"moped" means a motor bike or trike with an engine cylinder capacity of not over 50 millilitres and a maximum speed of not over 50 kilometres an hour.

"motor bike" means a motor vehicle with 2 wheels, and includes a 2 wheeled motor vehicle with a sidecar attached to it that is supported by a third wheel.

"**motor trike**" means a motor vehicle with 3 wheels, but does not include a 2 wheeled motor vehicle with a sidecar attached to it that is supported by a third wheel.

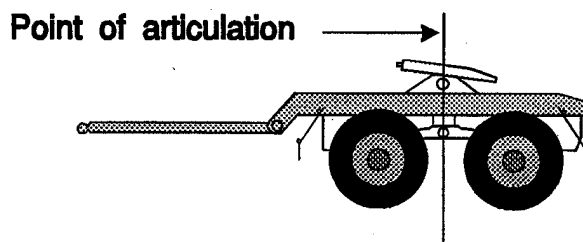
"**motor vehicle**" means a vehicle built to be propelled by a motor that forms part of the vehicle.

"**mudguard**" means a fitting or device, with or without a mudflap, that is built and fitted to a vehicle in a way that will, as far as practicable, catch or deflect downwards any stone, mud, water, or other substance, thrown up by the rotation of the wheel to which the fitting or device is fitted.

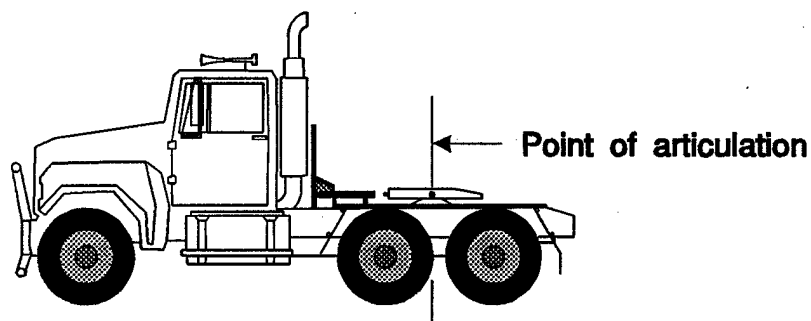
"**national standard**"—*see rule 15.*

"**point of articulation**" means:

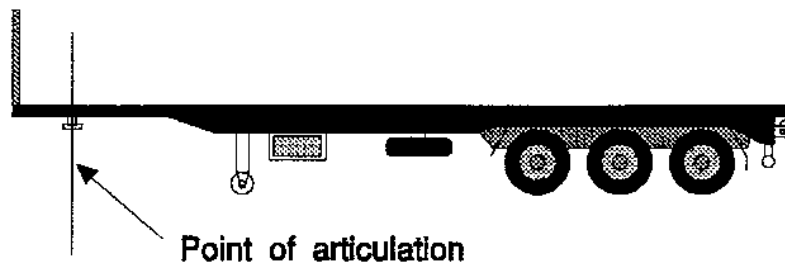
- (a) the axis of a kingpin for a fifth wheel; or
- (b) the vertical axis of rotation of a fifth wheel coupling; or
- (c) the vertical axis of rotation of a turntable assembly; or
- (d) the vertical axis of rotation of the front axle group, or single axle, of a dog trailer; or
- (e) the coupling pivot point of a semi trailer.



**Point of articulation—fifth wheel coupling
on a converter dolly (forming the front axle group of a dog trailer)**



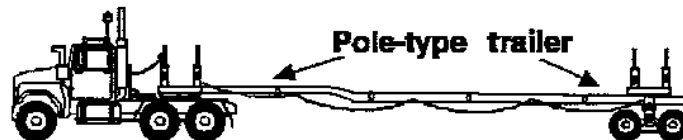
Point of articulation—fifth wheel on a prime mover



Point of articulation—kingpin for fifth wheel

"pole-type trailer" means a trailer that:

- (a) is attached to a towing vehicle by a pole, or an attachment fitted to the pole; and
- (b) is ordinarily used for transporting loads, such as logs, pipes, structural members or other long objects, that are generally capable of supporting themselves like beams between supports.



Pole-type trailer

"**police officer**" means a member of South Australia Police, a member of the Australian Federal Police or a service police officer within the meaning of the *Defence Force Discipline Act 1982* of the Commonwealth, as in force from time to time.

"**police vehicle**" means a vehicle driven by a police officer in the course of his or her duty.

"**prime mover**" means a motor vehicle built to tow a semi-trailer.

"**quad axle group**" means a group of 4 axles in which the horizontal distance between the centre lines of the outermost axles is over 3.2 metres, but not over 4.9 metres.

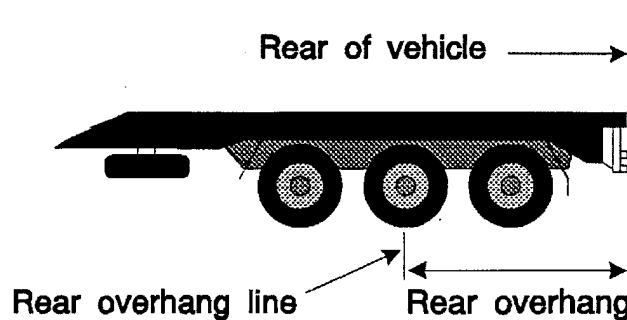
"**rear fog light**" means a light used on a vehicle to make it more easily visible from the rear in dense fog.

"**rear overhang**", of a vehicle, means the distance between the rear overhang line and the rear of the vehicle.

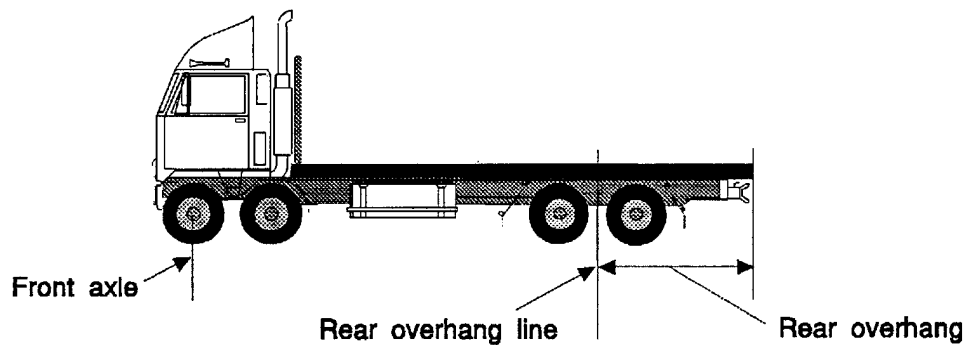
"**rear overhang line**" means:

- (a) if there is a single axle at the rear of the vehicle—the centre line of the axle; or

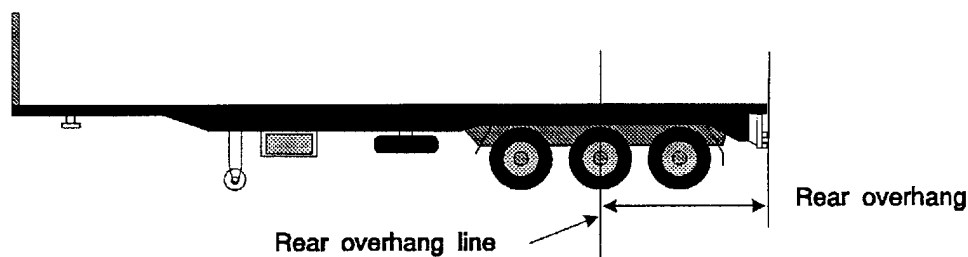
- (b) if there is an axle group at the rear of the vehicle—the centre line of the axle group, determined without regard to the presence of any steerable axle or retractable axle in the group unless all axles in the group are steerable or retractable.



Rear overhang and rear overhang line—vehicle with tri-axle group at rear



Rear overhang and rear overhang line—motor vehicle



Rear overhang and rear overhang line—semi-trailer

"**repeater horn**" means a device that makes a sound alternating between different tones or frequencies on a regular time cycle.

"**right**", for a vehicle, means to the right of the centre of the vehicle when viewed by a person in the vehicle who is facing to the front of the vehicle.

"**road**"—*see rule 8.*

"**road-related area**"—*see rule 9.*

"**road tank vehicle**" has the same meaning as in the sixth edition of the Australian Code for the Transport of Dangerous Goods by Road and Rail.

"**road train**" means a combination, other than a B-double, consisting of a motor vehicle towing at least 2 trailers (counting as a single trailer a converter dolly supporting a semi-trailer).



Road train

"second edition ADR"—see rule 17.

"**semi-trailer**" means a trailer that has:

- (a) 1 axle group or single axle to the rear; and
- (b) a means of attachment to a prime mover that would result in some of the load being imposed on the prime mover.

"**service brake**", for a vehicle, means the brake normally used to decelerate the vehicle.

"**single axle**" means an axle not forming part of an axle group.

"**single axle group**" means a group of 2 or more axles, in which the horizontal distance between the centre lines of the outermost axles is less than 1 metre.

"**spring brake**" means a brake using 1 or more springs to store the energy needed to operate the brake.

"**Standards Association of Australia**" means the association of that name incorporated in Australia under royal charter.

"**tandem axle group**" means a group of at least 2 axles in which the horizontal distance between the centre lines of the outermost axles is at least 1 metre, but not over 2 metres.

"third edition ADR"—see rule 18.

"**trailer**" means a vehicle that is built to be towed, or is towed, by a motor vehicle, but does not include a motor vehicle that is being towed.

"**Transport Department enforcement vehicle**" means a vehicle driven by an inspector in the course of his or her duty.

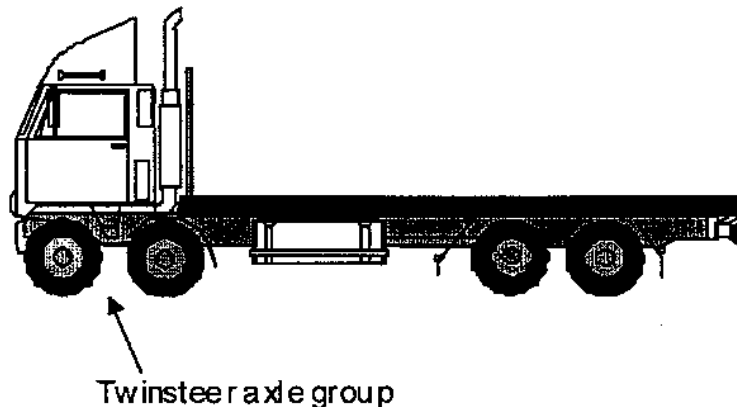
"**tri-axle group**" means a group of at least 3 axles in which the horizontal distance between the centre lines of the outermost axles is over 2 metres, but not over 3.2 metres.

"**turntable**" means a bearing built to carry vertical and horizontal loads, but does not allow quick separation of its upper and lower rotating elements, and that is used to connect and allow articulation between:

- (a) a prime mover and semi-trailer; or
- (b) the steering axle or axle group of a dog trailer and the body of the trailer; or
- (c) a fifth wheel coupling and the vehicle to which it is mounted.

"**twinsteer axle group**" means a group of 2 axles:

- (a) with single tyres; and
- (b) fitted to a motor vehicle and connected to the same steering mechanism; and
- (c) the horizontal distance between the centre lines of which is at least 1 metre, but not over 2 metres.



Twinsteer axle group on a motor vehicle

"**vacuum brakes**" means vacuum-operated or vacuum-assisted brakes.

"**vehicle**" includes the equipment fitted to, or forming part of, the vehicle.

"**vehicle registration authority**" means the Registrar of Motor Vehicles or the corresponding authority of another jurisdiction.

"**yellow**" includes amber.

REGULATIONS UNDER THE ROAD TRAFFIC ACT 1961

No. 236 of 1999

At the Executive Council Office at Adelaide 25 November 1999

PURSUANT to the *Road Traffic Act 1961* and with the advice and consent of the Executive Council, I make the following regulations.

E. J. NEAL Governor

PURSUANT to section 10AA(2) of the *Subordinate Legislation Act 1978*, I certify that, in my opinion, it is necessary or appropriate that the following regulations come into operation as set out below.

DIANA LAIDLAW Minister for Transport and Urban Planning

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34. Authorisation under s. 160(8)
35. Prescribed classes of vehicles for purposes of s. 161A
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41. Certificate of inspection
42. Design, maintenance etc. requirements for vehicles to which Part 4 of Act applies
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45. Expiation of alleged offences
46. Power of exemption

SCHEDULE 1

Prescribed oral advice and written notice (Section 47G(2a)(a))

SCHEDULE 2

Form of request (Section 47G(2a)(b))

SCHEDULE 3

Form of Certificate (Section 47G(1a) Reg. 10)

SCHEDULE 4

Notice (Section 79B(5))

SCHEDULE 5

Notice (Section 79B(6))

SCHEDULE 6

Notice to Weigh Vehicle (Section 153(1))

SCHEDULE 7

Defect Label (Reg. 33)

SCHEDULE 8

Certificate of Inspection (Section 163D(2))

SCHEDULE 9

Expiation Fees (Reg. 45)

PART 1
PRELIMINARY

Citation

1. These regulations may be cited as the *Road Traffic (Miscellaneous) Regulations 1999*.

Commencement

2. These regulations will come into operation on 1 December 1999.

Revocation

3. The following regulations are revoked:

- (a) the *Road Traffic Regulations 1996* (see *Gazette* 29 August 1996 p. 888), as varied;
- (b) the *Road Traffic (Breath Analysis and Blood Test) Regulations 1994* (see *Gazette* 20 January 1994 p. 78), as varied;
- (c) the *Road Traffic (Mass Limits) Regulations 1989* (see *Gazette* 29 June 1989, p. 1823), as varied;
- (d) the *Road Traffic (Photographic Detection Devices) Regulations 1988* (see *Gazette* 30 June 1988 p. 2068), as varied;
- (e) the *Road Traffic (Port Augusta Traffic Prohibition) Regulations 1992* (see *Gazette* 6 August 1992 p. 799);
- (f) the *Road Traffic (Section 47I Hospitals) Regulations 1992* (see *Gazette* 20 August 1992 p. 886), as varied.

Interpretation

4. In these regulations, unless the contrary intention appears—

"the Act" means the *Road Traffic Act 1961*;

"ADR" (Australian Design Rule) means a national standard under the *Motor Vehicle Standards Act 1989* of the Commonwealth, as in force from time to time;

"B-double" means a combination consisting of a prime mover towing 2 semi-trailers where the first semi-trailer is connected to the prime mover by a fifth wheel coupling and the second semi-trailer is connected to the first semi-trailer by a fifth wheel coupling;

"bicycle trailer" means a trailer built for being towed by a bicycle;

"car" means a motor vehicle built mainly to carry people that—

- (a) seats not over 9 adults (including the driver); and
- (b) has a body commonly known as a sedan, station wagon, coupe, convertible or roadster; and
- (c) has 4 or more wheels;

"**car-type utility**" or "**car-type panel van**" means a motor vehicle of the kind commonly known as a utility or panel van of the same make as a factory produced car and in which the forward part of the body and the greater part of the mechanical equipment are the same as those in the car;

"**Central Inspection Authority**" means the Central Inspection Authority established by Part 4A of the Act;

"**converter dolly**" means a trailer with 1 tandem axle group or single axle and a fifth wheel coupling, designed to convert a semi-trailer into a dog trailer;

"**expiation notice**" means an expiation notice under the *Expiation of Offences Act 1996*;

"**expiation reminder notice**" means an expiation reminder notice under the *Expiation of Offences Act 1996*;

"**fifth wheel coupling**" means a device, other than the upper rotating element and the kingpin (which are parts of a semi-trailer), used with a prime mover, semi-trailer, or a converter dolly to permit quick coupling and uncoupling and to provide for articulation;

"**GCM**" (gross combination mass), in relation to a motor vehicle, means the greatest possible sum of the maximum loaded mass of the motor vehicle and of any vehicles that may lawfully be towed by it at one time—

- (a) as specified by the vehicle's manufacturer—
 - (i) on a plate fixed to the vehicle by the manufacturer; or
 - (ii) if the manufacturer has not specified the sum of the maximum loaded mass on a plate fixed to the vehicle—in another place; or
- (b) as specified by the vehicle registration authority if—
 - (i) the manufacturer has not specified the sum of the maximum loaded mass; or
 - (ii) the manufacturer cannot be identified; or
 - (iii) the vehicle has been modified to the extent that the manufacturer's specification is no longer appropriate;

"**GVM**" (gross vehicle mass) means the maximum loaded mass of a vehicle—

- (a) as specified by the manufacturer; or
- (b) as specified by the vehicle registration authority if—
 - (i) the manufacturer has not specified a maximum loaded mass; or
 - (ii) the manufacturer cannot be identified; or
 - (iii) the vehicle has been modified to the extent that the manufacturer's specification is no longer appropriate;

"**public place**" means land (other than a road or road-related area) owned by or under the care, control and management of a council, commonly used by the public or to which the public are permitted to have access, including (without limitation) parklands, plantations, ornamental grounds and reserves;

"**red light offence**" means an offence against rule 59(1) or 60 of the *Australian Road Rules*;

"**road train**" means a combination, other than a B-double, consisting of a motor vehicle towing at least 2 trailers (counting as a single trailer a converter dolly supporting a semi-trailer);

"**speeding offence**" means an offence against a provision of Part 3 of the *Australian Road Rules*;

"**Transport Department**" means the administrative unit that, under the Minister, is responsible for the administration of the Act.

Public places declared to be road-related areas

5. For the purposes of the definition of "**road-related area**" in section 5(1) of the Act (Interpretation), public places are declared to be road-related areas.

Meaning of "unladen mass"

6. (1) For the purposes of the definition of "**unladen mass**" in section 5(1) of the Act, the following accessories or equipment carried (either habitually or intermittently) on the vehicle are prescribed accessories or prescribed equipment:

- (a) stock hurdles, stock crates, sheep gates, cages and other similar equipment used to contain animals;
- (b) containers and tanks used to carry solid, liquid or gaseous loads;
- (c) stake sides, drop sides, canopies, frames, tarpaulins and other similar equipment used to contain or protect a load;
- (d) cranes, hoists, platforms and other similar equipment for the purpose of loading or unloading goods;
- (e) air-conditioners, sleeping and cooking equipment, refrigeration units, radios and tape recorders and similar equipment;
- (f) tools, tool boxes, towbars, spare tyres, roof racks and other similar spare equipment;
- (g) any other equipment that is not part of a load and is usually carried on the vehicle.

(2) However, paragraphs (a), (b) and (c) of subregulation (1) do not apply in relation to vehicles registered at concessional registration fee rates for primary producers under section 34 of the *Motor Vehicles Act 1959*.

PART 2
DRIVING UNDER INFLUENCE OF LIQUOR OR DRUGS

Approved blood test kit

7. For the purposes of the definition of "approved blood test kit" in section 47A of the Act (Interpretation), the following is an approved blood test kit:

the "APPROVED 'BLOOD TEST KIT' Section 47G(2a)(b) Road Traffic Act, 1961", produced by Disposable Products Pty. Ltd. or by Sarstedt Australia Pty. Ltd.

Offences excluded as ground for alcotest or breath analysis

8. For the purposes of section 47E(1)(a) of the Act (Police may require alcotest or breath analysis), offences against Part 12 of the *Australian Road Rules* (Restrictions on stopping and parking) are offences of a prescribed class.

Oral advice and written notice on recording of positive breath analysis reading

9. (1) The oral advice required to be given for the purposes of section 47G(2a)(a) of the Act (Evidence, etc.) must be as set out in Part A of Schedule 1.

(2) The written notice required to be delivered for the purposes of section 47G(2a)(a) of the Act must be as set out in Part B of Schedule 1.

Request for approved blood test kit

10. (1) For the purposes of section 47G(2a)(b) of the Act, a request for an approved blood test kit must be made in accordance with the following provisions:

- (a) the request may, in the first instance, be made orally to the person operating the breath analysing instrument (**the operator**);
- (b) on such a request having been made by the person, the operator or any other member of the police force present at the scene must complete a written request form in the form set out in Schedule 2 by inserting the particulars required by the form;
- (c) the person making the request must then sign the request form in the presence of the operator or other member of the police force and the person's signature must be attested to by the signature of the operator or other member;
- (d) the original of the signed request form may be retained by the person making the request;
- (e) a copy of the signed request form must be delivered to the operator or other member of the police force.

(2) The copy of the request form delivered to the operator or other member of the police force must be delivered to the Minister or retained on the Minister's behalf for 12 months from the day on which the request form was signed by the person making the request.

Procedures for voluntary blood test

11. The following are the prescribed procedures in accordance with which a sample of a person's blood must be taken and dealt with for the purposes of section 47G(1a) of the Act:

- (a) the person must cause the sample to be taken by a medical practitioner of the person's choice and must deliver the blood test kit supplied to the person under section 47G(2a)(b) to the medical practitioner for use for that purpose;

- (b) the medical practitioner by whom the sample of the person's blood is taken must place the sample, in approximately equal proportions, in 2 containers (being the containers provided as part of the blood test kit);
- (c) each container must contain a sufficient quantity of blood to enable an accurate evaluation to be made of any concentration of alcohol present in the blood and the sample of blood taken by the medical practitioner must be such as to furnish 2 such quantities of blood;
- (d) the medical practitioner must seal each container by application of the adhesive seal (bearing an identifying number) provided as part of the blood test kit;
- (e) it is the duty of the medical practitioner to take such measures as are reasonably practicable in the circumstances to ensure that the blood is not adulterated and does not deteriorate so as to prevent a proper assessment of the concentration of alcohol present in the blood of the person from whom the sample was taken;
- (f) the medical practitioner must then complete a certificate in the form set out in Schedule 3 (being a form provided as part of the blood test kit) by inserting the particulars required by the form;
- (g) the certificate must be signed by the medical practitioner certifying as to the matters set out in the form;
- (h) the certificate must also bear the signature of the person from whom the blood sample was taken, attested to by the signature of the medical practitioner;
- (i) the original of the signed certificate must then be delivered to the person from whom the blood sample was taken together with 1 of the sealed containers containing part of the blood sample;
- (j) a copy of the signed certificate must be delivered by the medical practitioner together with the other sealed container containing part of the blood sample to a member of the police force who must, in turn, deliver that copy of the certificate and the blood sample container to State Forensic Science;
- (k) the blood sample container and copy of the certificate referred to in paragraph (j) must not be delivered into the possession of the person from whom the sample was taken;
- (l) on receipt of the blood sample container and certificate at State Forensic Science, the blood in the container must be analysed as soon as reasonably practicable by or under the supervision of an analyst to determine the concentration of alcohol present in the blood expressed in grams in 100 millilitres of blood;
- (m) the analyst must then complete and sign a certificate certifying as to the following matters:
 - (i) the date of receipt at State Forensic Science of the blood sample container and the certificate accompanying the blood sample container;
 - (ii) the identifying number appearing on the adhesive seal used to seal the blood sample container;
 - (iii) the name and professional qualifications of the analyst;

- (iv) the concentration of alcohol found to be present in the blood expressed in grams in 100 millilitres of blood;
- (v) any factors relating to the blood sample or the analysis that might, in the opinion of the analyst, adversely affect the accuracy or validity of the analysis;
- (vi) any other information relating to the blood sample or analysis or both that the analyst thinks fit to include;
- (n) the analyst's certificate must be sent by post to the person from whom the blood sample was taken at the address shown as the person's address on the certificate accompanying the blood sample container;
- (o) a copy of the analyst's certificate must be sent to or retained on behalf of the Minister;
- (p) a copy of the analyst's certificate must also be sent to the Commissioner of Police;
- (q) the person from whom the blood sample was taken may cause the sample of blood as contained in the blood sample container delivered to that person to be analysed to determine the concentration of alcohol present in the blood.

Prescribed period for keeping blood samples

12. For the purposes of section 47I(10a)(b) of the Act (Compulsory blood tests), the prescribed period for which a container containing a sample of a person's blood must be kept available for collection by or on behalf of that person is 12 months from the day on which the sample of blood was taken from the person.

Declaration of hospitals for compulsory blood testing

13. For the purposes of section 47I(19) of the Act, the following institutions are declared to be hospitals:

Ardrossan and Districts Hospital Incorporated
Ashford Community Hospital Incorporated
Balaklava and Riverton Districts Health Service Incorporated
Barossa Area Health Services Incorporated
Booleroo Centre District Hospital and Health Services Incorporated
Bordertown Memorial Hospital Incorporated
Burra Clare Snowtown Health Service Incorporated
Ceduna Hospital Incorporated
Central Yorke Peninsula Hospital Incorporated
Cleve District Health and Aged Care Incorporated
Coober Pedy Hospital and Health Services
Cowell Community Health and Aged Care Incorporated
Crystal Brook District Hospital Incorporated
Eudunda & Kapunda Health Service Incorporated
Flinders Medical Centre
Gawler Health Service Incorporated
The Jamestown Hospital and Health Service Incorporated
Kangaroo Island Health Service
Karoonda and District Soldiers' Memorial Hospital Incorporated
Keith and District Hospital Incorporated
Kimba District Hospital Incorporated
Kingston Soldiers' Memorial Hospital Incorporated
Lameroo District Health Services Incorporated

Laura and Districts Hospital Incorporated
Leigh Creek Hospital Incorporated
Lower Eyre Health Services Incorporated
Lower Murray District Hospital Incorporated
Loxton Hospital Complex Incorporated
The Mannum District Hospital Incorporated
Meningie and Districts Memorial Hospital and Health Services Incorporated
Mid-West Health
Millicent and District Hospital and Health Services Incorporated
Modbury Hospital
Moonta Health and Aged Care Service Incorporated
Mount Barker District Soldiers' Memorial Hospital Incorporated
Mount Gambier and Districts Health Service Incorporated
The Murray Bridge Soldiers' Memorial Hospital Incorporated
Naracoorte Health Service Incorporated
Noarlunga Health Services Incorporated
Northern Adelaide Hills Health Service Incorporated
Northern Yorke Peninsula Health Service
North Western Adelaide Health Service
Onkaparinga District Hospital Inc
Orroroo and District Health Service Incorporated
Penola War Memorial Hospital Incorporated
Peterborough Soldiers' Memorial Hospital and Health Service Incorporated
Pinnaroo Soldiers' Memorial Hospital Incorporated
Port Augusta Hospital and Regional Health Services Incorporated
Port Broughton District Hospital and Health Services Incorporated
Port Lincoln Health Services Incorporated
Port Pirie Regional Health Service Incorporated
Quorn and District Memorial Hospital Incorporated
Renmark Paringa District Hospital Incorporated
Repatriation General Hospital Incorporated
Riverland Regional Health Service Incorporated
Royal Adelaide Hospital
South Coast District Hospital Incorporated
Southern Districts War Memorial Hospital Incorporated
Southern Yorke Peninsula Health Service Incorporated
St. Andrew's Hospital Incorporated
Stirling District Hospital Incorporated
Strathalbyn and District Soldiers' Memorial Hospital and Health Services
Waikerie Hospital and Health Services Incorporated
Wakefield Hospital
The Whyalla Hospital and Health Services Inc.
Women's and Children's Hospital.

PART 3
PHOTOGRAPHIC DETECTION DEVICES

Photographic detection devices

14. For the purposes of section 79B of the Act (Provisions applying where certain offences are detected by photographic detection devices)—

- (a) the following are approved as photographic detection devices in relation to a red light offence:
 - (i) a Gatso red light camera, manufactured by Gatsometer of Holland, linked to and used in conjunction with an induction loop vehicle detector;
 - (ii) an Image Master TC1SH red light camera, manufactured by Image Applications Pty Ltd, linked to and used in conjunction with an induction loop vehicle detector;
- (b) the following is approved as a photographic detection device in relation to a speeding offence:

a traffic speed analyser of which a camera forms part or to which a camera is linked, where the camera is designed to operate as part of or in conjunction with, and is used as part of or in conjunction with, the traffic speed analyser.

Prescribed provisions for purposes of s. 79B

15. For the purposes of the definition of "prescribed offence" in section 79B(1) of the Act, the following are prescribed provisions:

- (a) section 46(1) of the Act (Reckless or dangerous driving);
- (b) the provisions of Part 3 of the *Australian Road Rules* (Speed-limits);
- (c) rule 59(1) of the *Australian Road Rules* (Proceeding through a red traffic light);
- (d) rule 60 of the *Australian Road Rules* (Proceeding through a red traffic arrow).

Notice for purposes of s. 79B(5)

16. For the purposes of section 79B(5) of the Act, the notice that is to accompany an expiation notice, an expiation reminder notice or a summons in respect of an offence against section 79B must be in the form set out in Schedule 4.

Notice for purposes of s. 79B(6)

17. For the purposes of section 79B(6) of the Act, the notice that is to accompany an expiation notice, an expiation reminder notice or a summons in respect of a prescribed offence must be in the form set out in Schedule 5.

Operation and testing of photographic detection device for red light offences

18. Where a photographic detection device is used to provide evidence of red light offences committed at an intersection or junction, the following provisions must be complied with:

- (a) the camera must be positioned and aimed so that the vehicles to be photographed by the camera may be photographed from the rear when proceeding into the intersection or junction and the photographs also depict the traffic light at the intersection or junction towards which the vehicles are facing when proceeding towards the intersection or junction;
- (b) the induction loop vehicle detector must be installed under the road surface on the intersection or junction side of the stop line before which the vehicles must stop if the traffic light is showing a steady red signal;
- (c) the camera, the induction loop and the traffic light must be linked up and the camera programmed so that—
- (i) when the traffic light changes to a steady red signal the induction loop is activated after a programmed delay; and
 - (ii) while the loop is activated the camera instantaneously takes an exposure of the vehicle first passing over the loop; and
 - (iii) as that vehicle or both that vehicle and other vehicles proceed over the intersection or junction and the traffic light continues to show a steady red signal the camera takes a second exposure or a series of subsequent exposures; and
 - (iv) the date, time and the code for the location at which each exposure is taken is recorded on the exposure; and
 - (v) when the traffic light changes from a steady red signal the loop is deactivated; and
 - (vi) the process referred to above is repeated in relation to each cycle of the traffic light;
- (d) each person who inserts a film magazine into the camera, or relocates the camera with a film magazine in place, must—
- (i) ensure that the camera is correctly positioned and aimed; and
 - (ii) use the camera's testing mode (but by reference to green light cycles) to ensure that the camera and induction loop operate correctly as referred to in paragraph (c); and
 - (iii) if a fault is indicated, take corrective action and repeat the testing process until no fault is indicated by the camera in its testing mode;
- (e) the tests referred to in paragraph (d)(i) and (ii) must be repeated—
- (i) whenever the camera is relocated to another intersection or junction prior to removal of the film magazine; and
 - (ii) immediately before the film magazine is removed from the camera;
- (f) if the tests or the film when developed indicate a fault that has affected the proper operation of the photographic detection device as required under this regulation, the film must be rejected for evidentiary purposes.

Operation and testing of photographic detection device for speeding offences

19. Where a photographic detection device is used to provide evidence of a speeding offence, the following provisions must be complied with:

- (a) the device must be programmed, positioned and set to operate so that—
 - (i) when the device registers a vehicle as proceeding at a speed equal to or greater than a speed set on the device, an exposure is taken of that vehicle from the front or from the rear; and
 - (ii) the date, time and the code for the location at which the exposure is taken is recorded on the exposure, together with the speed of the vehicle as registered by the device;
- (b) after the device—
 - (i) is set up at a given location; or
 - (ii) has a new film magazine inserted into the device at that location; or
 - (iii) is relocated,a check must be made to ensure that the device—
 - (iv) correctly indicates on an electronic display the date, time and location code; and
 - (v) is set to operate in accordance with the provisions of paragraph (a);
- (c) the checks referred to in paragraph (b) must be repeated immediately before—
 - (i) the device is removed from a given location; or
 - (ii) a film magazine is removed from the device;
- (d) if a check in accordance with paragraph (b) or (c), or a film or part of a film when developed, indicates a fault that has affected the proper operation of the device, any part of the film affected by the fault must be rejected for evidentiary purposes;
- (e) if a photograph produced from an exposure obtained in accordance with the provisions of paragraph (a) depicts the whole or part of more than 1 vehicle in the portion of the photograph specified by the device's manufacturer as the portion that should depict the vehicle whose speed is being registered, that photograph must be rejected for evidentiary purposes;
- (f) the accuracy with which the device registers vehicle speeds must be tested on the day on which it is used (or on the day immediately preceding that day) with a view to the issuing of a certificate under section 175(3)(ba) of the Act.

PART 4
MISCELLANEOUS

Prohibition of fuel-carrying vehicles on certain roads

20. (1) A vehicle must not be driven or towed on a portion of a road described in the Schedule of this regulation if the vehicle contains or is otherwise transporting a dangerous substance.

(2) Subregulation (1) does not apply if the substance—

- (a) is in liquid form and does not exceed 25 litres in volume; or
- (b) is in solid or gaseous form and does not exceed 45 kg in mass; or
- (c) is fuel for the motor of the vehicle.

(3) If a vehicle is driven or towed in contravention of subregulation (1), the driver and the owner and the operator of the vehicle are each guilty of an offence.

(4) In this regulation—

"**dangerous substance**" means a substance listed in section 9 (Index of Dangerous Goods) of the Australian Code for the Transport of Dangerous Goods by Road and Rail, Sixth Edition, approved by the Ministerial Council for Road Transport, endorsed by the Australian Transport Council and published by the Federal Office of Road Safety.

SCHEDULE

1. The portion of the Bordertown-Port MacDonnell Main Road No. 19 known as Bay Road, Mount Gambier, that lies between an imaginary line formed by the prolongation of the western boundary of section 391, Waterworks Reserve, Hundred of Blanche across the road and an imaginary line 30 metres south of and parallel to an imaginary line formed by the prolongation of the southern boundary of allotment 22 Filed Plan 321 across the road.

2. The portion of John Watson Drive, Mount Gambier that lies between an imaginary line formed by the prolongation of the northern boundary of section 415, Hundred of Blanche, across the road and an imaginary line formed by the prolongation of the northern-most boundary of section 414, corporation reserve, Hundred of Blanche across the road.

3. The portion of Ocean Boulevard, City of Marion that lies between an imaginary line formed by the prolongation of the northern boundary of Majors Road across the road, and an imaginary line formed by the prolongation of the eastern boundary of Brighton Road across the road.

Prohibition of parking in certain public places

21. (1) A person must not park a vehicle (other than a bicycle) in a public place except a public place specifically set aside for parking by the council for the area in which the public place is situated.

Penalty: \$500.

(2) Subregulation (1) is a prescribed provision for the purposes of the following provisions of the Act:

- (a) section 35 (Inspectors);

- (b) section 174A (Liability of vehicle owners and expiation of certain offences);
- (c) section 174B (Further offence for continued parking contravention);
- (d) section 174C (Council may grant exemptions from certain provisions);
- (e) section 174D (Proceedings for certain offences may only be taken by certain officers or with certain approvals).

Prohibition of fishing, etc., from certain bridges

22. (1) The Minister may, if of the opinion that it is appropriate to do so in the interests of road safety, by notice published in the *Gazette*, prohibit fishing or other specified activities from a specified bridge or causeway.

(2) The Minister may, by notice published in the *Gazette*, vary or revoke a notice under this regulation.

(3) A person must not contravene a notice under this regulation.

Penalty: \$200.

Prohibition of dogs on certain bicycle paths

23. (1) A person who owns or has possession or control of a dog must ensure that the dog does not enter or remain on a bicycle path referred to in the Schedule of this regulation.

Penalty: \$200.

(2) In proceedings for an offence of contravening subregulation (1), an allegation in the complaint that a specified person was the owner or had possession or control of a specified dog at a specified time will be accepted as proved in the absence of proof to the contrary.

SCHEDULE

1. (1) The bicycle path adjacent to the Southern Expressway that commences at Darlington Street at Bedford Park and proceeds generally southerly on the eastern side of the carriageway of the Expressway to a point approximately 250 metres north of the intersection of the Expressway, South Road and Panalatinga Road at Trott Park, then generally southerly on the western side of the carriageway of the Expressway to the intersection of Panalatinga Road and Old South Road at Old Reynella.

(2) In subclause (1)—

"Southern Expressway" means Road Number 6780 Southern Expressway between—

- (a) its intersection with Road Number 6726 Panalatinga Road and Road Number 6203 Main South Road at Trott Park; and
- (b) its junction with Road Number 6203 Main South Road at Bedford Park.

Vehicle identification plates and numbers

24. (1) For the purposes of section 110C(8) of the Act (Offences), a vehicle identification plate or plate bearing a vehicle identification number on a motor vehicle or trailer may be removed only—

- (a) if it is essential to do so in order to effect necessary repairs to the vehicle or trailer and the plate is put back in the same place on the vehicle as soon as is practicable; or

- (b) section 174A (Liability of vehicle owners and expiation of certain offences);
- (c) section 174B (Further offence for continued parking contravention);
- (d) section 174C (Council may grant exemptions from certain provisions);
- (e) section 174D (Proceedings for certain offences may only be taken by certain officers or with certain approvals).

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22. (1) The Minister may, if of the opinion that it is appropriate to do so in the interests of road safety, by notice published in the *Gazette*, prohibit fishing or other specified activities from a specified bridge or causeway.

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23. (1) A person who owns or has possession or control of a dog must ensure that the dog does not enter or remain on a bicycle path referred to in the Schedule of this regulation.

Penalty: \$200.

(2) In proceedings for an offence of contravening subregulation (1), an allegation in the complaint that a specified person was the owner or had possession or control of a specified dog at a specified time will be accepted as proved in the absence of proof to the contrary.

SCHEDULE

1. (1) The bicycle path adjacent to the Southern Expressway that commences at Darlington Street at Bedford Park and proceeds generally southerly on the eastern side of the carriageway of the Expressway to a point approximately 250 metres north of the intersection of the Expressway, South Road and Panalatinga Road at Trott Park, then generally southerly on the western side of the carriageway of the Expressway to the intersection of Panalatinga Road and Old South Road at Old Reynella.

(2) In subclause (1)—

"Southern Expressway" means Road Number 6780 Southern Expressway between—

- (a) its intersection with Road Number 6726 Panalatinga Road and Road Number 6203 Main South Road at Trott Park; and
- (b) its junction with Road Number 6203 Main South Road at Bedford Park.

Vehicle identification plates and numbers

24. (1) For the purposes of section 110C(8) of the Act (Offences), a vehicle identification plate or plate bearing a vehicle identification number on a motor vehicle or trailer may be removed only—

- (a) if it is essential to do so in order to effect necessary repairs to the vehicle or trailer and the plate is put back in the same place on the vehicle as soon as is practicable; or

- (f) fitting of wheel nuts that do not engage the thread of the wheel studs for at least the same length as the nuts provided by the vehicle manufacturer, or wheel nuts that do not match with the taper on the wheel;
- (g) modifications to axles or suspension that reduce the available suspension travel from static conditions to full bump position to less than two-thirds of that provided by the vehicle manufacturer;
- (h) modifications to axles or suspension such that any part of the vehicle other than the tyre or rim will contact a road surface in the case of the deflation of any tyre;
- (i) welding or heating of axles, stub axles, steering arms or steering knuckle supports;
- (j) lengthening or shortening of the chassis frame or of a mono-construction (chassis-less) body structure.

(4) A motor vehicle with a GVM of 4.5 tonnes or less (not being a car, car-type utility, car-type panel van or motor bike) must not be altered from its specification as originally manufactured in any of the following respects:

- (a) fitting of an engine of greater displacement volume or of greater power and torque outputs than an engine available as an option for the vehicle;
- (b) alterations to a braking system;
- (c) widening of the wheel track of the front or rear wheels by more than 26 millimetres beyond the maximum specified by the vehicle manufacturer;
- (d) fitting of spaces between wheels and between wheels and hubs additional to any provided by the vehicle manufacturer;
- (e) fitting of wheel nuts that do not engage the thread of the wheel studs for at least the same length as the nuts provided by the vehicle manufacturer, or wheel nuts that do not match with the taper on the wheels;
- (f) alterations to the wheelbase;
- (g) alterations to the number of axles;
- (h) alterations affecting any steering components or the steering geometry;
- (i) replacement of any axle with another axle other than an axle available as an option provided by the vehicle manufacturer for the vehicle.

(5) A motor vehicle (not being a bus) with a GVM over 4.5 tonnes must not be modified from its specification when first registered in any of the following respects:

- (a) fitting of an engine with a maximum power or torque output outside the range of engines available for the vehicle from the original manufacturer of the vehicle at the time of its manufacture;
- (b) alteration of the steering components from those provided in the vehicle or available as options for the vehicle from the original manufacturer of the vehicle at the time of its manufacture;

- (c) alteration of the steering geometry from that designed for the vehicle by the original manufacturer of the vehicle;
- (d) alteration of the braking system so that the braking efficiency of the vehicle is reduced;
- (e) alteration of the wheelbase;
- (f) alteration of the number of axles;
- (g) alteration of the suspension system.

Wheels and tyres

26. (1) A vehicle must not be driven or towed on a road if it does not comply with the requirements of this regulation.

(2) If a vehicle is driven or towed in contravention of subregulation (1), the driver and the owner and the operator of the vehicle are each guilty of an offence.

(3) Every road wheel fitted to an axle of a motor vehicle or trailer must—

- (a) conform to one of the dimensional standards for wheel rims set down in the Tyre and Rim Standards Manual issued by the Tyre and Rim Association of Australia; and
- (b) not have a circumferential weld other than one that attaches the rim to the wheel centre; and
- (c) be of the same rim width and have the same offset of the rim relative to the mounting face; and
- (d) if fitted to a motor vehicle manufactured on or after 1 July 1985 (other than a motor vehicle with a GVM over 4.5 tonnes or a trailer), be either—
 - (i) provided as original equipment or as original equipment replacement by the vehicle manufacturer; or
 - (ii) indelibly marked with the wheel's nominal diameter, width and offset and with identification of the manufacturer of the wheel and the standard to which the wheel was manufactured.

(4) The tyres and wheels fitted to a motor vehicle or trailer must be such that—

- (a) sufficient clearance is provided so that none of the tyres or wheels will touch any part of the vehicle, other than at the point of attachment, under operating conditions; and
- (b) none of the tyres protrudes beyond the mudguard or body structure when viewed from above with the wheels in a straight ahead position; and
- (c) in the case of a vehicle (other than a vehicle with a GVM over 4.5 tonnes), tyres fitted to the same axle are all of the same tyre size designation.

(5) Despite the requirements of any other regulation or rule under the Act, a motor vehicle that is required to comply with ADR 24 may be—

- (a) equipped with tyres other than those listed on the tyre placard fitted to the vehicle, provided that—
 - (i) the load of a tyre fitted is not less than the lowest load listed on the tyre placard; and
 - (ii) the overall diameter of a wheel and tyre fitted is not more than 15 millimetres greater than that advised in the Tyre and Rim Standards Manual (issued by the Tyre and Rim Association of Australia) for the largest tyre size listed on the placard and not more than 15 millimetres less than that advised in the Manual for the smallest tyre size listed on the placard; or
- (b) equipped with wheels wider than those listed on the tyre placard; or
- (c) equipped with wheels with a rim diameter other than a rim diameter (if any) listed on the tyre placard, provided that the rim diameter of a wheel fitted is not more than 50 millimetres greater than the largest diameter listed on the placard and not more than 50 millimetres less than the smallest diameter listed on the placard.

Sprocket drive vehicles

27. A motor vehicle (not being a motor bike or motor trike) fitted with a chain and sprocket drive must not be driven on a road unless it is so constructed that every chain and sprocket of the drive is fitted with a cover, guard or screen in such a manner as to remove any risk of any person accidentally coming into contact with the chain or sprocket.

Dimensions of bicycles

28. A person must not ride a bicycle on a road unless it complies with the following requirements:

- (a) the handlebars of the bicycle must be symmetrical on each side of the centre line of the bicycle;
- (b) the extreme ends of the handlebars must extend not less than 200 millimetres nor more than 350 millimetres on each side of the centre line of the bicycle;
- (c) the height of the uppermost part of the handlebar grip must not be more than 300 millimetres above the lowest part of the upper surface of the seat;
- (d) the horizontal distance measured from the centre of the pivot head bearing on the front tube of the frame to a point vertically above the axle of the front wheel must not exceed 250 millimetres;
- (e) the overall width of any equipment or load carried on the bicycle must not exceed 700 millimetres.

Bicycle trailers

29. (1) A person who rides a bicycle—

- (a) must not tow another vehicle on a road unless that other vehicle is a bicycle trailer that complies with the requirements of this regulation; and

(b) must not tow more than one vehicle.

(2) A bicycle trailer, when towed at night, or in hazardous weather conditions causing reduced visibility, must be fitted with either one or two lighted lamps displaying a red light that is clearly visible for at least 200 metres from the rear and affixed to the rear of the trailer as follows:

- (a) in the case of 1 lamp—in the centre or on the right hand side of the centre of the trailer;
- (b) in the case of 2 lamps—an even distance in the same horizontal plane on either side of the centre of the trailer;
- (c) in either case—with the centre of the lamp not less than 330 millimetres and not more than 1 metre above the ground.

(3) A bicycle trailer must be fitted with two red reflectors in accordance with the following requirements:

- (a) each reflector must be such as to be clearly visible at night for at least 50 metres from the rear when light is projected onto it by a vehicle's headlight on low-beam;
- (b) the reflectors must be fitted symmetrically to the rear of the trailer, with one on each side;
- (c) the centre of each reflector must be not less than 330 millimetres and not more than 1 metre above the ground.

(4) A bicycle trailer, and any equipment or load on the trailer, must not exceed 850 millimetres in width.

(5) A bicycle trailer must be attached to the bicycle by—

- (a) a coupling constructed and fitted so that—
 - (i) it will permit an adequate amount of angular movement between the alignment of the bicycle and the trailer; and
 - (ii) the strength of the coupling (and of any brackets or other means of securing the coupling to the bicycle and the trailer) is sufficient to prevent the trailer and its equipment and load from becoming separated; and
- (b) a safety connection consisting of a chain, cable or other non-rigid connection affixed to a substantial portion of the trailer and constructed and fitted so that—
 - (i) it will hold the trailer in tow in the event of the failure or detachment of the coupling; and
 - (ii) it is not liable to accidental disconnection and permits all normal angular movements of the coupling without more slack than is necessary for that purpose.

Determination of mass

30. (1) For the purposes of section 148 of the Act (Determination of mass)—

(a) a weighbridge—

- (i) must have a steel or concrete platform or, if a wooden platform, must be verified, re-verified or certified, and marked with an inspector's mark or licensee's mark, in accordance with the *Trade Measurement Act 1993* and the regulations under that Act; and
- (ii) must be so situated as to have sufficient space for vehicles usually weighed on the weighbridge to be driven or drawn on and off without turning on the platform; and
- (iii) must have a level surface so that no point on the surface on which the mass to be measured bears is more than 15 millimetres above or below any other point on that surface; and
- (iv) must operate within the appropriate limits of error for that type of weighbridge that may be tolerated under the *Trade Measurement Act 1993*; and

(b) in order to determine the mass of a vehicle with or without its load and the mass carried on any two or more axles of a vehicle on a weighbridge, it is not necessary to measure the mass carried on all the relevant axles simultaneously, but the mass may be determined by aggregating the measurements of mass taken separately in relation to the axles in question, provided that in determining the mass carried on a vehicle having an axle group or axle groups, the axles within each group must be measured as a whole; and

(c) when an approved instrument for determining mass is used in order to determine the mass of a vehicle with or without its load and the mass carried on any two or more axles of a vehicle, the mass may be determined by aggregating the measurements of mass taken simultaneously or separately in relation to the axles in question, provided that, in determining the mass carried on individual axles of an axle group, all of the axles within that group must be measured simultaneously and must, as far as possible in the circumstances, be in the same plane.

(2) In this regulation—

"approved instrument for determining mass" means an instrument for determining mass approved in writing by the Minister for the purposes of this regulation.

Notice for purposes of s. 153(1)

31. For the purposes of section 153(1) of the Act (Determining unladen mass), the notice to be served on the owner or the operator of a vehicle must be in the form set out in Schedule 6.

Prescribed classes of vehicles for purposes of s. 160(1b)

32. For the purposes of section 160(1b) of the Act (Defect notices), the following are vehicles of a prescribed class:

- (a) prime movers;
- (b) commercial motor vehicles;
- (c) trailers.

Defect notices and labels

33. (1) A defect notice to be served on the owner, operator or person in charge of a vehicle under section 160(5) of the Act must be in a form approved by the Minister.

(2) When serving a defect notice on the owner, operator or person in charge of a vehicle, a member of the police force or an inspector may affix to the vehicle a defect label in the form set out in Schedule 7.

(3) If the vehicle has a windscreen, the defect label must be securely affixed to the offside bottom corner of the windscreen.

(4) A person (other than a member of the police force or an inspector) must not remove, alter or deface a defect label that has been affixed to a vehicle under this regulation.

Authorisation under s. 160(8)

34. (1) The Minister may, on application by a person in a form approved by the Minister, authorise the applicant to exercise any of the powers of an inspector under section 160 of the Act, if satisfied (on the basis of evidence provided by the applicant) that the applicant—

- (a) is fully qualified in one or more of the following trades:
 - (i) Motor Mechanic; or
 - (ii) Motor Mechanic, Diesel; or
 - (iii) Brake Mechanic; or
 - (iv) Motor Cycle Mechanic; or
 - (v) any other trade that provides skills equivalent to the skills of a trade referred to above; and
- (b) has successfully completed any training courses approved by the Minister for the purposes of section 160 of the Act; and
- (c) is the holder of an appropriate driver's licence granted and in force under Part 3 of the *Motor Vehicles Act 1959* or an appropriate interstate licence within the meaning of that Act; and
- (d) has an adequate knowledge of the requirements of the Act relating to motor vehicles; and
- (e) is a fit and proper person to be authorised to exercise any of the powers of an inspector under section 160 of the Act.

(2) The Minister must maintain a record of authorisations issued under section 160(8) of the Act and must make that record available for public inspection.

Prescribed classes of vehicles for purposes of s. 161A

35. (1) For the purposes of section 161A of the Act (Driving of certain vehicles subject to Ministerial approval), the following vehicles (**restricted access vehicles**) are classes of vehicles to which that section applies:

- (a) vehicles that, including their loads (if any), are over 4.3 metres high;

- (b) vehicles that, including their loads (if any), are over 19 metres long;
- (c) vehicles with a GCM over 42.5 tonnes;
- (d) controlled access buses.

(2) For the purposes of section 161A of the Act, wind-powered vehicles commonly known as land yachts are a class of vehicles to which that section applies.

(3) In this regulation—

"**controlled access bus**" means a bus, except an articulated bus, over 12.5 metres long;

"**vehicle**" includes a combination.

Seat belts and seat belt anchorages

36. (1) Subject to subregulation (7), vehicles manufactured on or after 1 January 1969 are exempt from the provisions of section 162A of the Act (Seat belts and child restraints) and this regulation.

(2) The provisions of this regulation apply for the purposes of section 162A of the Act.

(3) A car, car-type utility or car-type panel van first registered after 30 June 1964 must be fitted with—

- (a) anchorages for a seat belt suitably placed for use by the driver; and
- (b) anchorages for a seat belt suitably placed for use by a person sitting alongside of and on the same seat as the driver or on a separate seat by the side of the driver's seat.

(4) An anchorage required to be fitted in accordance with subregulation (3) must—

- (a) in the case of a vehicle first registered after 30 June 1964 but before 10 November 1966, comply with the specification for anchorages published in the *Gazette* of 28 May 1964, page 1180; or
- (b) in the case of a vehicle first registered on or after 10 November 1966 but before 8 February 1968, comply with the specification for anchorages published in the *Gazette* of 10 November 1966, page 1927; or
- (c) in the case of a vehicle first registered on or after 8 February 1968 but before 15 January 1970, comply with the specification for anchorages published in the *Gazette* of 8 February 1968, page 346; or
- (d) in the case of a vehicle first registered on or after 15 January 1970, comply with the Australian Standards Specification for Seat Belt Anchorage Points—(A.S.D. 11-1967).

(5) A car, car-type utility or car-type panel van first registered on or after 1 January 1967 must be fitted with—

- (a) a seat belt suitably placed for use by the driver; and
- (b) at least 1 other seat belt placed for use by a person sitting alongside of and on the same seat as the driver or on a separate seat by the side of the driver's seat.

(6) A seat belt required to be fitted in accordance with subregulation (5) must—

(a) comply with—

- (i) Australian Standards Specification for Seat Belt Assemblies for Motor Vehicles—(A.S. E35—1965); or
- (ii) in the case of a retractor seat belt—Australian Standards Specification for Seat Belt Assemblies (including Retractors) for Motor Vehicles—(A.S. E35 Part II—1970); or
- (iii) Australian Standard for Seat Belt Assemblies for Motor Vehicles (A.S. 2596—1983); and

(b) be clearly and permanently marked with the certification mark of the Standards Association of Australia.

(7) The following provisions apply to a motor vehicle whenever manufactured:

(a) seat belts and anchorages for seat belts must be maintained in sound condition and good working order;

(b) a person must not sell, or offer for sale, for use in a motor vehicle a seat belt or part of a seat belt—

- (i) that fails to comply with the requirements of an Australian Standard or Australian Standards Specification referred to in subregulation (6)(a); or
- (ii) that has been removed from a motor vehicle in which it has previously been used.

Note: The *Road Traffic (Vehicle Standards) Rules 1999* apply certain ADRs to vehicles. The ADRs do not cover vehicles manufactured before 1 January 1969.

Child restraints

37. (1) The following devices are approved as child restraints:

(a) a device that complies with the Australian Standard Specification for Child Restraining Devices for Passenger Cars (AS E46) and is clearly marked with the certification mark of the Standards Association of Australia;

(b) a device that complies with the Australian Standard Specification for Child Restraints for Passenger Cars and Derivatives (AS 1754) and is clearly marked with the certification mark of the Standards Association of Australia;

(c) a device that complies with—

- (i) the requirements of the United States of America Federal Motor Vehicle Safety Standard No. 213—Child Seating Systems; and
- (ii) that is marketed in Australia as the "GM—Child Love Seat" (being General Motors part No. 9677326); and
- (iii) that is clearly labelled as complying with that standard.

(2) For the purposes of section 162A of the Act, a child restraint fitted to a motor vehicle must—

- (a) only be used in accordance with the manufacturer's specifications; and
- (b) be securely attached to an anchorage for a child restraint fitted to that vehicle and to such other anchorages for seat belts fitted to that vehicle as are specified by the manufacturer of the child restraint; and
- (c) be maintained in sound condition and good working order.

(3) A person must not sell, or offer for sale, for use in a motor vehicle as a child restraint or part of a child restraint a device or part that is not approved under subregulation (1).

(4) A reference in this regulation to a standard is a reference to the standard as in force on 1 January 1987.

Safety helmets

38. (1) Helmets are approved for motor bike riders if—

- (a) manufactured, tested and marked in accordance with the requirements of the Standards Association of Australia contained in—
 - (i) Australian Standard E33/1959—Protective Helmets for Motor Cyclists; or
 - (ii) Australian Standard E33/1968—Protective Helmets for Motor Cyclists; or
 - (iii) Australian Standard E43/1968—Protective Helmets for Racing Motor Cyclists; or
 - (iv) Australian Standard 1698/1974—Protective Helmets for Vehicle Users; or
 - (v) Australian Standard 1698/1988—Protective Helmets for Vehicle Users,

and, if manufactured on or after 1 January 1972, bearing the certification mark of the Standards Association of Australia; or

- (b) manufactured, tested and marked in accordance with the requirements of the British Standards Institution contained in—
 - (i) British Standard 2001/1972—Protective Helmets for Motor Cyclists; or
 - (ii) British Standard 1869/1960—Protective Helmets for Racing Motor Cyclists; or
 - (iii) British Standard 2495/1960—Protective Helmets and Peaks for Racing Car Drivers,and bearing the certification mark of the British Standards Institution; or
- (c) manufactured by Arai Hirotake Limited and marked as model SP-21, SP-22, TX-7, X-7, S-70, R-6m, or XR.

(2) A person must not sell, or offer for sale, a helmet for use by a motor bike rider or passenger on a motor bike unless—

- (a) the helmet, if manufactured before 1 January 1976, complies with 1 or more of the standards contained in subregulation (1); and

- (b) the helmet, if manufactured on or after 1 January 1976, complies with Australian Standard 1698/1974—Protective Helmets for Vehicle Users or Australian Standard 1698/1988—Protective Helmets for Vehicle Users.

(3) Helmets are approved for bicycle riders if they meet the impact attenuation requirement of Australian Standard 2063.

(4) For the purposes of section 162C of the Act (Safety helmets and riders of wheeled recreational devices and wheeled toys), safety helmets must meet the impact attenuation requirement of Australian Standard 2063.

(5) A person must not sell, or offer for sale, a helmet for use by a bicycle rider or a rider of a wheeled recreational device or wheeled toy unless the helmet meets the impact attenuation requirement of Australian Standard 2063.

(6) Despite the other provisions of this regulation and the *Australian Road Rules*, a helmet approved for bicycle riders may be used by a passenger on a motor bike who is under 6 years old and may be sold, or offered for sale, for such use.

Prescribed class of vehicles for purposes of s. 163C(1)

39. For the purposes of section 163C(1) of the Act (Application of Part 4), buses are vehicles of a prescribed class, other than buses that are used to provide passenger transport services within the meaning of the *Passenger Transport Act 1994*.

Prescribed period for purposes of s. 163D(1a)

40. For the purposes of section 163D(1a) of the Act (Inspection of vehicles and issue of certificates of inspection), a period of 12 months commencing on 1 July is a prescribed period.

Certificate of inspection

41. (1) For the purposes of section 163D(2) of the Act, a certificate of inspection must be in the form set out in Schedule 8.

(2) A certificate of inspection must be issued by the Authority on the condition that, during the currency of the certificate, an inspection label supplied by the Authority is firmly affixed in an upright position to the vehicle—

- (a) to the inside surface of the front windscreen in a corner on the opposite side of the windscreen to the driver's position; or
- (b) in the case of a vehicle that has a pivoted, hinged or fixed side window adjacent to the front windscreen on the opposite side of the windscreen to the driver's position—to the inside surface of that window,

but not so as to obstruct the driver's vision.

Design, maintenance etc. requirements for vehicles to which Part 4 of Act applies

42. (1) For the purposes of sections 163D(3)(b) and 163F of the Act, the prescribed requirements relating to design, construction and safety are the requirements relating to design, construction and safety contained in the Code of Practice for Buses (July 1985), stipulated by the Central Inspection Authority, as amended, varied or substituted from time to time (the **Code of Practice**), to the extent to which those requirements are consistent with the vehicle standards.

(2) For the purposes of sections 163D(3a), 163F and 163GA of the Act, the prescribed scheme of maintenance is the scheme specified in section 15 of the Code of Practice.

(3) For the purposes of section 163GA(1)(a)(i) of the Act, the particulars of prescribed maintenance and repair work carried out on a vehicle are the particulars of maintenance and repair work specified in section 15 of the Code of Practice.

(4) For the purposes of section 163GA(1)(a) of the Act, the prescribed form is the appropriate form set out in the First Schedule of the Code of Practice.

(5) For the purposes of section 163GA(1)(b) of the Act, the records in the form of Part 1 of the First Schedule of the Code of Practice must be retained for a period of not less than 6 months and those in the form of Part 2 of the First Schedule of the Code of Practice must be retained for a period of not less than 12 months.

Fees for inspections

43. (1) In this regulation—

"**one-off motor vehicle**" means a motor vehicle constructed in Australia that has not been certified by the Australian Motor Vehicle Certification Board as complying with the ADRs;

"**Transport Department or Central Inspection Authority vehicle inspection**" means an inspection or examination of a vehicle—

- (a) by the Transport Department for the purposes of section 160, 161A or 163AA of the Act or regulation 46; or
- (b) by the Central Inspection Authority for the purposes of section 163D of the Act; or
- (c) by the Transport Department for the purposes of section 139(1)(ab)(i) or (ii) of the *Motor Vehicles Act 1959*; or
- (d) by the Transport Department for the purposes of the *Dangerous Substances Act 1979* where the vehicle has been converted to use liquefied petroleum gas.

(2) The following fees are payable for a Transport Department or Central Inspection Authority vehicle inspection:

Type of vehicle	Fee payable for first inspection	Fee payable for further inspection
B-double	\$289	\$95
Where the exemption is sought in relation to the use of the vehicle as part of a road train or B-double—		
Prime mover	\$159	\$54
Semi-trailer	\$66	\$31
Converter dolly	\$31	\$31
Trailer	\$66	\$31
Any other vehicle	\$159	\$54
Where the exemption is sought in relation to the use of the vehicle otherwise than as part of a road train or B-double—		
Commercial motor vehicle with a GVM over 4.5 tonnes	\$84	\$54
Prime mover with a GVM over 4.5 tonnes	\$84	\$54
One-off motor vehicle	\$84	\$54
Any other vehicle	\$54	\$39

(3) A further fee of \$5 is payable for the issue of each "type approval" plate in connection with an inspection referred to in subregulation (2).

(4) Where, pursuant to section 160 of the Act, a vehicle is produced for examination by a member of the police force at a police station, a fee of \$16 is payable to the Police Department on certification that the required repairs have been made to the vehicle.

(5) Where the Transport Department carries out an examination of a motor vehicle for the purposes of section 139(1)(ab)(iii) of the *Motor Vehicles Act 1959*, a fee of \$16 is payable to the Registrar of Motor Vehicles on registration of the motor vehicle.

(6) Where a member of the police force carries out an examination of a motor vehicle for the purposes of section 139(1)(ab)(iii) of the *Motor Vehicles Act 1959*, a fee of \$16 is payable to the Police Department prior to the examination.

(7) Where the Transport Department carries out an examination of a motor vehicle for the purposes of completing a report under regulation 23A of the *Motor Vehicles Regulations 1996*, a fee of \$10 is payable to the Registrar of Motor Vehicles on registration of the motor vehicle.

(8) Where a member of the police force carries out an examination of a motor vehicle for the purposes of completing a report under regulation 23A of the *Motor Vehicles Regulations 1996*, a fee of \$10 is payable to the Police Department prior to the examination.

(9) If more than one fee becomes payable under this regulation in respect of an inspection or examination, only the higher or highest fee (as the case may be) must be paid.

(10) A fee payable under to this regulation for an inspection—

- (a) must, except where otherwise specified, be paid to the Transport Department; and
- (b) must be paid prior to that inspection.

Offence and penalty

44. (1) A person who contravenes or fails to comply with a provision of these regulations is guilty of an offence.

(2) A person who is guilty of an offence against these regulations for which no penalty is specifically provided is liable to a penalty not exceeding \$1 250.

Expiation of alleged offences

45. (1) The expiation fees set out in Schedule 9 are fixed for alleged offences against the Act or the rules or regulations specified in the Schedule.

(2) Text set out in italic type under a heading in Schedule 9 commencing with the words "Description of offence" is a description for convenience purposes only and is not to be taken to define the offence for which a particular amount is fixed as the expiation fee.

Power of exemption

46. (1) The Minister may, by instrument in writing or notice published in the *Gazette*, exempt—

- (a) a person or class of persons; or
- (b) a vehicle or class of vehicles,

from a specified provision of these regulations, unconditionally or subject to specified conditions.

(2) The Minister may, by instrument in writing or notice published in the *Gazette*, vary or revoke an exemption under this regulation.

SCHEDULE 1*Prescribed oral advice and written notice (Section 47G(2a)(a))***ROAD TRAFFIC ACT 1961****PART A****ORAL ADVICE FOR THE PURPOSES OF SECTION 47G(2a)(a)**

The breathalyser reading just taken shows that you had a prohibited level of alcohol in your blood.

Therefore, it appears that you have committed an offence against section 47B of the *Road Traffic Act*.

In any court proceedings for that offence, or for an offence against section 47 of the *Road Traffic Act* (driving under the influence of liquor), it will be presumed that the breathalyser accurately indicated your blood alcohol level at the time of the reading and for the preceding two hours. However, the *Road Traffic Act* allows for contrary evidence based on the results of a blood test.

If you want to have such a blood test you will have to make your own arrangements and follow certain procedures, using a special blood test kit. This blood test kit will be supplied to you on your signing a written request.

If you obtain a blood test kit and want to have your blood tested, you should take the kit promptly to a hospital or medical practitioner in order to have a sample of your blood taken.

[*Alternatively, you may have the sample taken by a registered nurse.]

You must not consume any more alcohol before having a sample of your blood taken and must not open the blood test kit before delivering it to a medical practitioner [*or registered nurse].

Under the blood test procedure, the sample of blood is divided and sealed in two containers. You will have to sign a form that will be given to you by the medical practitioner [*or registered nurse].

One of the sealed containers will be given to you and you may make your own arrangements to have the blood in that container analysed.

In any event, the blood in the other container will be analysed by State Forensic Science and you will be given written notice of the results of the analysis.

Further information as to these matters is contained in the written notice which will be delivered to you shortly.

* Advice as to the alternative of a registered nurse is to be given only if the breath analysis was conducted outside Metropolitan Adelaide.

PART B**WRITTEN NOTICE FOR THE PURPOSES OF SECTION 47G(2a)(a) OF ROAD TRAFFIC ACT 1961****OPERATION OF ROAD TRAFFIC ACT IN RELATION TO RESULTS OF BREATH ANALYSIS****1. Offence**

A person commits an offence against section 47B(1) of the *Road Traffic Act 1961* if the person—

- (a) drives a motor vehicle: or
- (b) attempts to put a motor vehicle in motion,

while there is present in his or her blood the prescribed concentration of alcohol (as defined in section 47A of the Act).

2. Breath analysis

Your breath has just been analysed by means of a breath analysing instrument which indicated that the prescribed concentration of alcohol was present in your blood.

Accordingly, it appears that you have committed the offence described above.

3. Legal effect of breath analysis result

In proceedings for the offence described above or an offence against section 47(1) of the *Road Traffic Act 1961* (driving under the influence of liquor), the result of the breath analysis will be presumed to accurately record the concentration of alcohol in your blood at the time of the analysis and throughout the preceding 2 hours (*section 47G(1), (1ab)*).

In any proceedings against you for such an offence, you will be able to challenge the accuracy of the breath analysis reading—

- if you have a sample of your blood taken and analysed *as described below*

AND

- if the result of analysis of the blood sample shows that the breath analysing instrument gave an exaggerated reading of the concentration of alcohol present in your blood (*section 47G(1a)*).

PROCEDURES FOR OPTIONAL BLOOD TEST

1. You may have a sample of your blood taken and analysed if you wish.
2. For that purpose, you must request the breath analysis operator to supply you with an approved blood test kit (you must sign a written request form for the kit and should retain a copy of the signed request form).
3. You should then proceed promptly to a hospital or a medical practitioner [*or registered nurse] of your choice and request that a sample of your blood be taken (using the blood test kit).
4. Do not consume any further alcohol before the sample is taken.
5. Do not open the blood test kit.
6. The medical practitioner [*or registered nurse] taking the sample of your blood will divide it and place it into two containers and seal the containers. One container will be delivered to you — do not break the seal on this container.
7. Sign the form presented to you by the medical practitioner [*or registered nurse] — the original of the form will be given to you which you should retain.

8. You may, if you wish, have the blood sample (in the container delivered to you) analysed at a laboratory to determine the concentration of alcohol present in the blood.

9. The other blood sample container will, in any event, be sent to State Forensic Science where the blood will be analysed. The results of this analysis will be sent to you at your address (as indicated on the form presented to you by the medical practitioner [*or registered nurse] who took the blood sample).

* The alternative of a registered nurse applies only if the breath analysis was conducted outside Metropolitan Adelaide.

SCHEDULE 2

Form of request (Section 47G(2a)(b))

ROAD TRAFFIC ACT 1961

REQUEST FORM FOR THE PURPOSES OF SECTION 47G(2a)(b)

..... of.
(Name)

.....
(Address)

submitted to a breath analysis at
(Address or description)

at. am/pm on the day of 19.

I (the person named above) now request that I be supplied with an approved blood test kit.

Signature: In the presence of:
(Person making request) (Name of Police Officer)

Signature of witnessing Police Officer:

SCHEDULE 3

Form of Certificate (Section 47G(1a) Reg. 10)

ROAD TRAFFIC ACT 1961

BLOOD TEST FOR ALCOHOL (MEDICAL PRACTITIONER'S OR NURSE'S CERTIFICATE)

A. CERTIFICATE BY *MEDICAL PRACTITIONER/REGISTERED NURSE
Pursuant to Section 47G of the Road Traffic Act, 1961

I, a *medical practitioner/registered nurse, certify that at
 at am/pm on the day
(Name of Hospital/Surgery)

of 19., I took a sample of blood from:

PATIENT'S NAME & ADDRESS *Please print clearly for mailing*

Postcode

Patient's Signature

I witnessed the patient's signature. I divided the sample into two approximately equal portions, placed them in containers and secured the caps. I then sealed each container by application of an adhesive seal bearing the identifying number:
 Serial number:

I personally gave one container to the patient.

Signed by the abovementioned *medical practitioner/registered nurse:

B. POLICE SAMPLE

Place in blood box Box number

Handed to Police Officer
 (declared hospital)

By: Name: Signature:

C. PATIENT'S SAMPLE

Personally given to patient

PATIENT TO SIGN FOR SAMPLE:

I acknowledge receipt of the sample:

Tick Applicable Box.

* Strike out whichever is inapplicable (note: a blood sample may be taken by a registered nurse only if the breath analysis was conducted outside Metropolitan Adelaide)

SCHEDULE 4*Notice (Section 79B(5))***ROAD TRAFFIC ACT 1961
NOTICE FOR THE PURPOSES OF SECTION 79B(5)****IMPORTANT: IT IS IN YOUR OWN INTEREST TO READ THIS NOTICE****1. Defences Available to Registered Owner**

Under section 79B of the *Road Traffic Act 1961*, as the registered owner of the vehicle to which the enclosed expiation notice, expiation reminder notice or summons refers, you will have a defence to the allegation made against you in that notice or summons if—

- (a) you forward to the Commissioner of Police a statutory declaration stating that you were not driving the vehicle at the time of the speeding or traffic light offence referred to in the notice or summons and setting out the name and address of the person who was;

OR

- (b) you do not know and could not by the exercise of reasonable diligence have ascertained the identity of the person who was driving the vehicle at the time of the speeding or traffic light offence, AND you forward to the Commissioner of Police a statutory declaration setting out the reasons why the identity of the driver is not known to you and the inquiries (if any) that you have made to identify the driver;

OR

- (c) it is proved that your vehicle was not used in the commission of the speeding or traffic light offence referred to in the notice or summons.

Where the registered owner of the vehicle is a body corporate, the body corporate will have a defence if—

- (a) an officer of the body corporate acting with the authority of the body corporate forwards to the Commissioner of Police a statutory declaration stating the name and address of the person who was driving the vehicle at the time of the speeding or traffic light offence referred to in the notice or summons;

OR

- (b) the vehicle was not being driven by an officer or employee of the body corporate in the course of his or her duty at the time of the speeding or traffic light offence and the body corporate does not know and could not by the exercise of reasonable diligence have ascertained who was driving at that time, AND an officer of the body corporate acting with the authority of the body corporate forwards to the Commissioner of Police a statutory declaration stating the reasons why the identity of the driver is not known and the inquiries (if any) that have been made to identify the driver;

OR

- (c) it is proved that the vehicle was not used in the commission of the speeding or traffic light offence referred to in the notice or summons.

2. Withdrawal of Allegation

If you believe that you have a defence to the allegation, you may bring it to the attention of the Commissioner of Police for consideration. The evidence in support of your defence must be provided by statutory declaration and forwarded to the EXPIATION NOTICE BRANCH, G.P.O. BOX 2029, ADELAIDE 5001 *before the due date for payment specified in the enclosed expiation notice or expiation reminder notice or, if the enclosed document is a summons, within 21 days after the date of issue of the summons.* On considering the evidence the Commissioner may withdraw the notice or summons.

3. Viewing of Photographic Evidence

The allegation is based on photographic evidence. You may—

- (a) apply in writing to the Commissioner of Police for a copy of the photograph concerned. Your application should be addressed to the EXPIATION NOTICE BRANCH, G.P.O. Box 2029, ADELAIDE 5001 and should include the address to which you want the photograph sent. (If no address is included the photograph will be sent to the recorded address of the registered owner of the vehicle).
- (b) view the photograph by making an appointment with the EXPIATION NOTICE BRANCH, TELEPHONE NO: 8207 5950.

WARNING: Under the *Oaths Act 1936* it is an offence to knowingly make a statutory declaration that is untrue in a material particular. The maximum penalty is 4 years imprisonment.

SCHEDULE 5*Notice (Section 79B(6))***ROAD TRAFFIC ACT 1961
NOTICE FOR THE PURPOSES OF SECTION 79B(6)****IMPORTANT: IT IS IN YOUR OWN INTEREST TO READ THIS NOTICE****Viewing of Photographic Evidence**

The allegation in the expiation notice, expiation reminder notice or summons that accompanies this notice is based on photographic evidence:

You may:

- (a) apply in writing to the Commissioner of Police for a copy of the photograph concerned. Your application should be addressed to the EXPIATION NOTICE BRANCH, G.P.O. BOX 2029, ADELAIDE 5001 and should include the address to which you want the photograph sent. (If no address is included, the photograph will be sent to the recorded address of the registered owner of the vehicle).
- (b) view the photograph by making an appointment with the EXPIATION NOTICE BRANCH, TELEPHONE NO: 8207 5950.

SCHEDULE 6

Notice to Weigh Vehicle (Section 153(1))

**ROAD TRAFFIC ACT 1961
NOTICE TO WEIGH VEHICLE**

To

You are hereby required within(specify time) from the service of this notice upon you—

1. To cause the vehicle, viz., of which you are the owner, to be driven to the following weighbridge or other instrument, namely (specifying weighbridge or other instrument) at

2. To permit the unladen mass of the vehicle to be determined by means of such weighbridge or other instrument.

3. To deliver the document issued by the person determining the unladen mass of the vehicle and stating the unladen mass thereof, to the member of the police force or inspector who has signed this notice.

Dated the day of 19

.....
* *Member of the Police Force or Inspector*

.....
Justice of the Peace

*Strike out whichever is inapplicable

SCHEDULE 7
Defect Label (Reg. 33)

ROAD TRAFFIC ACT 1961

SOUTH AUSTRALIAN GOVERNMENT

VEHICLE NOT ROADWORTHY

At the time of inspection by a member of the Police Force or an inspector this vehicle required repairs to comply with the provisions of section 160 of the *Road Traffic Act 1961*. This vehicle must not stand or be driven on a road on or after the time and date stated on the back of this label, except as stated on the Defect Notice.

This vehicle must not stand or be driven on a road or sold or otherwise disposed of after a.m./p.m.
on the day. 19. . . . ,
except as stated on the Defect Notice.

Signature
Rank No.
Station

Warning It is an offence for any person other than a member of the Police Force or an Inspector to remove, alter or deface this label.

SCHEDULE 8

Certificate of Inspection (Section 163D(2))

**ROAD TRAFFIC ACT 1961
VEHICLES INSPECTED UNDER PART 4A**

This is to certify that the vehicle, Registration No. has been inspected and this Certificate of Inspection is issued *subject to the conditions attached to this certificate.*

Expiry Date: Label No:

Seating Capacity: Adults or Children

Signature of Inspector or authorised person

Date:

Notes:

1. This certificate is issued on behalf of the Central Inspection Authority.
2. This certificate will remain in force up to and including the date of expiry, unless sooner cancelled by the Central Inspection Authority.

SCHEDULE 9*Expiation Fees (Reg. 45)***PART 1****OFFENCES AGAINST THE ROAD TRAFFIC ACT 1961**

Section	Description of offence against Road Traffic Act 1961	Fee (\$)
47B(1)	<i>Driving whilst having prescribed concentration of alcohol in blood</i> Contravention involving less than 0.08 grams of alcohol in 100 millilitres of blood	122
79B(2)	<i>See end of Schedule</i>	
91(3)	<i>Failing to comply with direction of ferry operator</i>	43
112(2)	<i>Driving or towing on road vehicle not complying with vehicle standards</i> Non-compliance with rule 155 of the vehicle standards Non-compliance with rule 158 of the vehicle standards	122 62
114(2)	<i>Driving or towing on road vehicle not complying with mass and loading requirements</i> Exceeding mass limits of vehicle— by not more than 500 kg over permitted mass by more than 500 kg but not more than 1 000 over permitted mass by more than 1 000 kg but not more than 1 500 kg over permitted mass by more than 1 500 kg but not more than 2 000 kg over permitted mass Any non-compliance other than exceeding a mass limit	161 206 265 278 130
164A(1)	<i>Contravening or failing to comply with provision of Act</i> Contravention of or failure to comply with— s. 33(9) <i>Failing to comply with direction of member of police force</i> s. 41(2) <i>Failing to comply with direction of member of police force</i> s. 53B(1) <i>Selling radar detector or jammer or storing or offering radar detector or jammer for sale</i> s. 82(1) <i>Speeding while passing school bus</i> Exceeding the speed-limit while passing a school bus— by less than 15 kph by 15 kph or more but less than 30 kph by 30 kph or more s. 83A(1) <i>Standing, etc. or placing goods or sign on carriageway, dividing strip or traffic island for purpose of soliciting business, etc.</i> s. 83A(2) <i>Buying or offering to buy goods from person standing, etc. on carriageway, etc. in contravention of rule 83A(1)</i> s. 85(2) <i>Leaving stationary vehicle in prohibited area near Parliament House, etc. without authority</i> s. 87 <i>Walking without due care or attention etc.</i> s. 95 <i>Riding on vehicle without consent of driver</i> s. 99A <i>Bicycle rider riding on footpath or other road-related area failing to give warning to pedestrians etc.</i> s. 99B(1) <i>Riding wheeled recreational device or wheeled toy without due care or attention etc.</i> s. 99B(2) <i>Riding wheeled recreational device or wheeled toy on footpath or other road-related area abreast of another vehicle etc.</i> s. 99B(3) <i>Riding wheeled recreational device or wheeled toy on footpath or other road-related area without giving warning to pedestrians etc.</i> s. 106(1) <i>Damaging road, bridge, etc. otherwise than by reasonable use or removing, damaging or interfering with fence, post, etc.</i> s. 107 <i>Driving, drawing, hauling, dragging over road any implement, sledge, etc.</i> s. 108(1) <i>Depositing certain articles or materials on road</i>	117 117 199 119 189 300 43 43 54 10 43 17 17 17 17 101 101 95

s. 110	<i>Failing to keep whole of vehicle on sealed surface when driving on sealed road</i>	43
s. 161A(1)	<i>Driving of certain vehicles subject to Ministerial approval</i>	130
s. 162A(2)	<i>Driving motor vehicle not equipped with seat belts, etc. as required by regulations</i>	175
s. 162C(1)	<i>Riding wheeled recreational device or wheeled toy without wearing safety helmet complying with regulations and properly adjusted and securely fastened</i>	43
s. 162C(2)	<i>Riding wheeled recreational device or wheeled toy on which is carried child under 16 years not wearing safety helmet complying with regulations and properly adjusted and securely fastened</i>	43
s. 162C(2a)	<i>Parent or other person having custody or care of child under 16 years causing or permitting child to ride or be carried on wheeled recreational device or wheeled toy without wearing safety helmet complying with regulations and properly adjusted and securely fastened</i>	42
167(1)	<i>Causing or permitting the commission of an expiable offence against the Road Traffic Act 1961 or these regulations</i>	38
174B	<i>Further offence for continued parking contravention</i>	13

PART 2
OFFENCES AGAINST THE AUSTRALIAN ROAD RULES

Rule	Description of offence against Australian Road Rules	Fee (\$)
20	<i>Speeding</i> Exceeding applicable speed-limit on length of road— by less than 15 kph	119
	by 15 kph or more but less than 30 kph	189
	by 30 kph or more	300
27(1)	<i>Failing to keep left when starting left turn (from other than multi-lane road)</i>	144
28(1)	<i>Failing to keep within left lane when starting left turn on multi-lane road</i>	144
29	<i>Failing to make left turn as indicated by road marking</i>	144
31(1)	<i>Starting right turn incorrectly (from other than multi-lane road)</i>	144
32(1)	<i>Failing to keep within right lane when starting right turn (on multi-lane road)</i>	144
33(1)	<i>Making right turn at intersection incorrectly (other than at T-intersection)</i>	144
34(1)	<i>Making hook turn at "hook turn only" sign incorrectly</i>	125
35(2)	<i>Bicycle rider making hook turn at intersection with "no hook turn only" sign, etc. incorrectly</i>	17
36	<i>Bicycle rider making hook turn contrary to "no hook turn by bicycles sign"</i>	17
37	<i>Starting U-turn without clear view, etc.</i>	177
38	<i>Failing to give way when making U-turn</i>	177
39(1)	<i>Making U-turn contrary to "no U-turn sign" at break in dividing strip</i>	165
39(2)	<i>Making U-turn contrary to "no U-turn sign" on length of road</i>	165
40	<i>Making U-turn at intersection with traffic lights and "no U-turn permitted" sign</i>	141
41	<i>Making U-turn at intersection without traffic lights and without "U-turn permitted" sign</i>	165
42	<i>Starting U-turn at intersection from incorrect position</i>	177
43(1)	<i>Starting and making left turn incorrectly</i>	144
43(2)	<i>Starting and making right turn incorrectly</i>	144
46(1)	<i>Failing to give left change of direction signal before turning left</i>	139
46(4)	<i>Failing to stop giving left change of direction signal after turning left</i>	81
48(1)	<i>Failing to give right change of direction signal before turning right</i>	139
48(4)	<i>Failing to stop giving right change of direction signal after turning right</i>	81
51	<i>Using direction indicator lights when not permitted</i>	81

53(1)	<i>Failing to give stop signal before stopping or suddenly slowing</i>	139
53(2)	<i>Failing to give sufficient warning of stopping</i>	139
53(3)	<i>Failing to give stop signal while slowing</i>	139
56(1)	<i>Failing to stop for red traffic light</i>	199
56(2)	<i>Failing to stop for red traffic arrow</i>	199
57(2)	<i>Failing to stop for yellow traffic light or arrow</i>	199
57(3)	<i>Failing to leave intersection showing yellow traffic light or arrow</i>	199
59(1)	<i>Proceeding through red traffic light</i>	199
60	<i>Proceeding through red traffic arrow</i>	199
61(2)	<i>Failing to stop at intersection when traffic lights or arrows change to yellow or red</i>	199
61(5)	<i>Failing to leave intersection when traffic lights or arrows change to yellow or red</i>	199
62	<i>Failing to give way when turning at intersection with traffic lights</i>	199
63(2)	<i>Failing to give way at intersection with traffic lights not operating or only partly operating—where traffic light-stop sign</i>	199
63(3)	<i>Failing to give way at intersection with traffic lights not operating or only partly operating—where no traffic light-stop sign</i>	199
64	<i>Failing to give way at flashing yellow traffic arrow at intersection</i>	199
65(2)	<i>Failing to give way at marked foot crossing (except at intersection) with flashing yellow traffic light</i>	190
66(1)	<i>Failing to stop for twin red lights (except at level crossing)</i>	43
66(4)	<i>Proceeding after stopping for twin red lights (except at level crossing)</i>	43
67(1)	<i>Failing to stop and give way at stop sign or stop line at intersection without traffic lights</i>	199
68(1)	<i>Failing to stop and give way at stop sign or stop line at other place</i>	165
69(1)	<i>Failing to give way at give way sign or give way line at intersection</i>	199
70	<i>Failing to give way at give way sign at bridge or length of narrow road</i>	199
71(1)	<i>Failing to give way at give way sign or give way line at other place</i>	165
72(1)	<i>Failing to give way at intersection (except T-intersection or roundabout)</i>	199
73(1)	<i>Failing to give way at T-intersection</i>	199
74(1)	<i>Failing to give way when entering road from road-related area or adjacent land</i>	177
75(1)	<i>Failing to give way when entering road-related area or adjacent land from road</i>	177
76(1)	<i>Moving into path of tram travelling in tram lane, etc.</i>	81
76(2)	<i>Failing to move out of path of tram travelling in tram lane, etc.</i>	81
77(1)	<i>Failing to give way to bus</i>	81
78(1)	<i>Moving into path of police or emergency vehicle</i>	199
78(2)	<i>Failing to move out of path of police or emergency vehicle</i>	199
79(1)	<i>Failing to give way to police or emergency vehicle</i>	199
80(2)	<i>Failing to stop at children's crossing</i>	199
80(3)	<i>Failing to obey hand-held stop sign at children's crossing</i>	165
80(4)	<i>Proceeding while pedestrian on children's crossing</i>	199
81(2)	<i>Failing to give way at pedestrian crossing</i>	190
82	<i>Overtaking or passing vehicle at children's crossing or pedestrian crossing</i>	190
83	<i>Failing to give way to pedestrian in shared zone</i>	152
84(1)	<i>Failing to give way when driving through break in dividing strip</i>	177
85	<i>Failing to give way on painted island</i>	165
86(1)	<i>Failing to give way in median turning bays</i>	177
87(1)	<i>Failing to give way when moving from side or shoulder of road</i>	156
87(3)	<i>Failing to give way when moving from median strip parking area</i>	156
88(1)	<i>Failing to turn left at intersection with "left turn only" sign</i>	165
88(2)	<i>Failing to turn left when in left lane at intersection with "left lane must turn left" sign</i>	165
89(1)	<i>Failing to turn right at intersection with "right turn only" sign</i>	165
89(2)	<i>Failing to turn right when in right lane at intersection with "right lane must turn right" sign</i>	165
90	<i>Turning at intersection with "no turn" sign</i>	165
91(1)	<i>Turning left at intersection with "no left turn" sign</i>	165
91(2)	<i>Turning at intersection with "no right turn" sign</i>	165
92(1)	<i>Failing to drive in direction indicated by traffic lane arrows</i>	165

93(1)	<i>Driving or overtaking on bridge or length of road where "no overtaking or passing" sign applies</i>	165
94	<i>Overtaking on bridge with "no overtaking on bridge" sign</i>	165
95(1)	<i>Driving in emergency stopping lane</i>	165
96(1)	<i>Stopping on area of road marked with keep clear marking</i>	165
97(1)	<i>Driving on length of road where "road access" sign applies</i>	165
98(1)	<i>Driving in wrong direction on length of road where "one-way" sign applies</i>	199
99(1)	<i>Failing to drive to left of "keep left" sign</i>	165
99(2)	<i>Failing to drive to right of "keep right" sign</i>	165
100	<i>Driving past "no entry" sign</i>	165
101(1)	<i>Failing to stop before hand-held stop sign</i>	165
101(2)	<i>Proceeding after stopping for hand-held stop sign</i>	165
102(1)	<i>Driving past "clearance" or "low clearance" sign</i>	165
103(1)	<i>Driving past "bridge load limit (gross mass)" or "gross load limit" sign—vehicle exceeding gross mass indicated by sign</i>	165
103(2)	<i>Driving past "bridge load limit (mass per axle group)" sign—vehicle axle group carrying mass exceeding mass indicated by sign</i>	165
104(1)	<i>Driving past "no trucks" sign - vehicle GMV exceeding permitted mass</i>	165
104(2)	<i>Driving truck past "no trucks" sign—vehicle or combination exceeding permitted length</i>	165
104(3)	<i>Driving truck past "no trucks" sign where no mass or length indicated</i>	165
105	<i>Failing to enter area indicated by "trucks must enter" sign</i>	165
106(1)	<i>Driving bus past "no buses" sign—bus exceeding mass indicated by sign</i>	165
106(2)	<i>Driving bus past "no buses" sign—bus exceeding length indicated by sign</i>	165
106(3)	<i>Driving bus past "no buses sign" where no mass or length indicated</i>	165
107	<i>Failing to enter area indicated by "buses must enter" sign</i>	165
108(1)	<i>Failing to drive truck or bus in low gear on length of road where "trucks and buses low gear" sign applies</i>	165
111(1)	<i>Failing to enter roundabout from multi-lane road or road with 2 or more lines of traffic travelling in same direction correctly</i>	165
112(2)	<i>Failing to give left change of direction signal when entering roundabout</i>	139
112(3)	<i>Failing to continue left change of direction signal while on roundabout</i>	139
113(2)	<i>Failing to give right change of direction signal when entering roundabout</i>	139
113(3)	<i>Failing to continue right change of direction signal while in roundabout</i>	139
114(1)	<i>Failing to give way when entering roundabout</i>	199
114(2)	<i>Failing to give way to tram when driving in roundabout</i>	199
115(1)	<i>Failing to drive in roundabout to left of central traffic island</i>	199
116	<i>Failing to obey traffic lane arrows when driving in or leaving roundabout</i>	165
117(1)	<i>Failing to give left change of direction signal when changing marked lanes or lines of traffic in roundabout</i>	139
117(2)	<i>Failing to give right change of direction signal when changing marked lanes or lines of traffic in roundabout</i>	139
118(1)	<i>Failing to give left change of direction signal when leaving roundabout</i>	139
118(2)	<i>Failing to stop left change of direction signal after leaving roundabout</i>	139
119	<i>Failing to give way by rider of bicycle or animal to vehicle leaving roundabout</i>	17
121	<i>Failing to stop and give way at stop sign at level crossing</i>	165
122	<i>Failing to give way at give way sign or give way line at level crossing</i>	165
123	<i>Entering level crossing when train or tram is approaching, etc.</i>	163
124	<i>Failing to leave level crossing as soon as safe to do so</i>	136
125(1)	<i>Unreasonably obstructing path of other driver or pedestrian</i>	52
126	<i>Failing to keep safe distance behind other vehicles</i>	150
127(1)	<i>Failing to keep required minimum distance behind long vehicle</i>	101
128	<i>Entering blocked intersection</i>	102
129(1)	<i>Failing to keep to far left side of road</i>	134
130(2)	<i>Driving in right lane on certain multi-lane roads</i>	108
131	<i>Failing to keep to left of oncoming vehicles</i>	152
132(1)	<i>Failing to keep to left of centre of road</i>	177
132(2)	<i>Failing to keep to left of dividing line</i>	177
135(1)	<i>Failing to keep to left of median strip</i>	143

136	<i>Driving in wrong direction on one-way service road</i>	143
137(1)	<i>Failing to keep off dividing strip</i>	101
138(1)	<i>Failing to keep off painted island</i>	108
140	<i>Overtaking when not safe to do so</i>	134
141(1)	<i>Driver overtaking to left of other vehicle</i>	150
141(2)	<i>Bicycle rider overtaking to left of vehicle turning left</i>	17
142(1)	<i>Overtaking to right of vehicle turning right</i>	156
143(1)	<i>Passing or overtaking to left of turning left vehicle displaying "do not overtake turning vehicle" sign</i>	81
143(2)	<i>Passing or overtaking to right of turning right vehicle displaying "do not overtake turning vehicle" sign</i>	81
144	<i>Failing to keep safe distance when overtaking</i>	134
145	<i>Increasing speed while being overtaken</i>	132
146(1)	<i>Failing to drive within single marked lane</i>	108
146(2)	<i>Failing to drive within single line of traffic</i>	108
147	<i>Moving from one marked lane to another marked lane across continuous line</i>	108
148(1)	<i>Failing to give way when moving from one marked lane to another marked lane</i>	150
148(2)	<i>Failing to give way when moving from one line of traffic to another line of traffic</i>	150
149	<i>Failing to give way when lines of traffic merge into single line of traffic</i>	150
150(1)	<i>Driving on or across continuous white edge line</i>	43
151(1)	<i>Riding motor bike or bicycle alongside more than 1 other rider on non multi-lane road</i>	43
151(2)	<i>Riding motor bike or bicycle alongside more than 1 other rider in marked lane</i>	43
151(4)	<i>Riding motor bike or bicycle more than 1.5 metres from another rider</i>	43
152(1)	<i>Driving in marked lane to which overhead lane control device applies—failing to comply with rule</i>	165
153(1)	<i>Driving in bicycle lane</i>	113
154(1)	<i>Driving in bus lane</i>	113
155(1)	<i>Driving in tram lane</i>	113
156(1)	<i>Driving in transit lane</i>	113
157(1)	<i>Driving in truck lane</i>	113
159(1)	<i>Driving in marked lane required to be used by particular kinds of vehicles</i>	113
160(2)	<i>Passing or overtaking to right of tram not at or near far left side of road</i>	150
160(3)	<i>Passing or overtaking left turning, etc. tram not at or near far left side of road</i>	150
161(2)	<i>Passing or overtaking to left of tram at or near the left side of road</i>	150
161(3)	<i>Passing or overtaking tram turning right or giving right change of direction signal</i>	150
162(1)	<i>Driving past safety zone</i>	199
163(1)	<i>Driving past rear of stopped tram</i>	199
164(1)	<i>Failing to give way to pedestrians crossing road near stopped tram</i>	199
167	<i>Stopping where "no stopping" sign applies</i>	38
168(1)	<i>Stopping where "no parking" sign applies</i>	29
169	<i>Stopping on road with continuous yellow edge line</i>	38
170(1)	<i>Stopping in intersection</i>	38
170(2)	<i>Stopping within 20 metres of intersection with traffic lights</i>	38
170(3)	<i>Stopping within 10 metres of intersection without traffic lights</i>	38
171(1)	<i>Stopping on or near children's crossing</i>	38
172(1)	<i>Stopping on or near pedestrian crossing (except at intersection)</i>	38
173(1)	<i>Stopping on or near marked foot crossing (except at intersection)</i>	38
174(2)	<i>Stopping at or near bicycle crossing lights (except at intersection)</i>	38
175(1)	<i>Stopping on or near level crossing</i>	38
176(1)	<i>Stopping on clearway</i>	113
177(1)	<i>Stopping on freeway</i>	113
178	<i>Stopping in emergency stopping lane</i>	113
179(1)	<i>Stopping in loading zone</i>	23
179(2)	<i>Stopping in loading zone—exceeding time in loading zone</i>	23
180(1)	<i>Stopping in truck zone</i>	23
181(1)	<i>Stopping in works zone</i>	23
182(1)	<i>Stopping in taxi zone</i>	23

183(1)	<i>Stopping in bus zone</i>	38
184(1)	<i>Stopping in minibus zone</i>	38
185(1)	<i>Stopping in permit zone</i>	23
186(1)	<i>Stopping in mail zone</i>	23
187(1)	<i>Stopping in bus lane, transit lane or truck lane</i>	113
187(2)	<i>Stopping in bicycle lane</i>	113
187(3)	<i>Stopping in tram lane or on tram tracks</i>	113
188	<i>Stopping in shared zone</i>	23
189(1)	<i>Double parking</i>	38
190(1)	<i>Stopping in or near safety zone</i>	23
191	<i>Stopping near obstruction</i>	52
192(1)	<i>Stopping on bridge, causeway, ramp or similar structure</i>	38
192(2)	<i>Stopping in tunnel or underpass</i>	52
193(1)	<i>Stopping on crest or curve outside built-up area</i>	52
194(1)	<i>Stopping near fire hydrant, etc.</i>	29
195(1)	<i>Stopping at or near bus stop</i>	38
196(1)	<i>Stopping at or near tram stop</i>	38
197(1)	<i>Stopping on path, dividing strip or nature strip</i>	38
198(1)	<i>Obstructing access to and from footpath ramp, etc.</i>	29
198(2)	<i>Obstructing access to and from driveway, etc.</i>	29
199(1)	<i>Stopping near postbox</i>	38
200(1)	<i>Stopping heavy or long vehicle on road outside built-up area except on shoulder of road</i>	52
200(2)	<i>Stopping heavy or long vehicle on road in built-up area for longer than permitted time</i>	52
201	<i>Stopping on road with "bicycle parking" sign</i>	23
202	<i>Stopping on road with "motor bike parking" sign</i>	23
203(1)	<i>Stopping in parking area for people with disabilities</i>	57
205	<i>Parking for longer than indicated where "permissive parking" sign applies</i>	13
207(2)	<i>Failing to pay fee, etc. for parking where fees payable</i>	13
208(1)	<i>Failing to park on road (except in median strip parking area) in accordance with rule—parallel parking</i>	23
209(2)	<i>Failing to park in median strip parking area in accordance with rule—parallel parking</i>	23
210(1)	<i>Failing to park in accordance with rule—angle parking</i>	23
211(1)	<i>Parking on road, etc. where "park in bays only" sign applies</i>	13
211(2)	<i>Parking in parking bays—failing to park vehicle wholly within parking bay</i>	13
211(3)	<i>Parking in parking bays—failing to park long or wide vehicle in minimum number of parking bays needed to park vehicle</i>	13
212(1)	<i>Entering or leaving median strip parking area—contrary to sign</i>	52
212(2)	<i>Entering or leaving median strip parking area—failing to drive forward</i>	52
215(1)	<i>Failing to use lights when driving at night or in hazardous weather conditions</i>	101
216(1)	<i>Failing to use lights when towing vehicle at night or in hazardous weather conditions</i>	62
217(1)	<i>Using rear fog light when not driving in fog or other hazardous weather conditions</i>	101
218(1)	<i>Using headlights on high-beam</i>	101
219	<i>Using lights to dazzle other road users</i>	101
220(1)	<i>Stopping vehicle on road at night—failing to operate lights</i>	101
221	<i>Using hazard warning lights</i>	56
223	<i>Riding animal-drawn vehicle at night or in hazardous weather conditions—failing to operate lights</i>	17
224	<i>Using horn or similar warning device</i>	68
225(1)	<i>Using radar detector or similar device</i>	199
226(1)	<i>Driving heavy vehicle not equipped with portable warning triangles</i>	43
226(2)	<i>Failing to produce warning triangles on demand</i>	43
227(2)	<i>Failing to use portable warning triangles—vehicle stopped on road</i>	43
227(3)	<i>Failing to use portable warning triangles—fallen load</i>	43
228	<i>Pedestrian passing "no pedestrians" sign</i>	10

229	<i>Pedestrian on road to which "road access" sign applies</i>	10
230(1)	<i>Failing to cross road in accordance with rule</i>	10
231(1)	<i>Failing to cross road with pedestrian lights in accordance with rule</i>	10
232(1)	<i>Failing to cross road at traffic lights without pedestrian lights in accordance with rule</i>	10
232(3)	<i>Failing to cross road at traffic lights while light turning yellow or red in accordance with rule</i>	10
232(4)	<i>Crossing road at traffic lights—failing to remain in safety area</i>	10
233(1)	<i>Crossing road to get on tram—crossing before tram stops at tram stop</i>	10
233(2)	<i>Crossing road from tram—failing to comply with rule</i>	10
234(1)	<i>Crossing road near crossing for pedestrians</i>	10
234(2)	<i>Pedestrian staying on road longer than necessary to cross road</i>	10
235(1)	<i>Crossing level crossing</i>	10
235(2)	<i>Crossing level crossing while warning lights flashing, etc.</i>	10
236(1)	<i>Pedestrian causing traffic hazard</i>	10
236(2)	<i>Pedestrian causing obstruction</i>	10
237(1)	<i>Getting on or into moving vehicle</i>	67
238(1)	<i>Pedestrian travelling along road—failing to use footpath</i>	10
238(2)	<i>Pedestrian travelling along road—failing to keep left or walking abreast</i>	10
239(1)	<i>Pedestrian on bicycle path or separated footpath</i>	10
239(3)	<i>Pedestrian on bicycle path or separated footpath—failing to keep out of path of bicycle, etc.</i>	10
240(1)	<i>Travelling in or on wheeled recreational device or wheeled toy on road with dividing line, median strip, one-way road or road with more than 1 marked lane</i>	17
240(2)	<i>Travelling in or on wheeled recreational device on certain roads or during certain times</i>	17
240(3)	<i>Travelling in or on wheeled toy on certain road or during certain times</i>	17
241(1)	<i>Travelling in or on wheeled recreational device or toy on road—failing to keep to left or travelling abreast</i>	17
242(1)	<i>Travelling in or on wheeled recreational device or toy on footpath or shared path—failing to keep left or give way</i>	17
243(1)	<i>Travelling on rollerblades, etc. on bicycle path or separated footpath</i>	17
243(2)	<i>Travelling on rollerblades, etc. on bicycle path etc.—failing to keep out of path of bicycle</i>	17
244	<i>Travelling in or on wheeled recreational device or wheeled toy—holding onto moving vehicle</i>	56
245	<i>Riding bicycle not in accordance with rule</i>	67
246	<i>Carrying on bicycle more persons than bicycle designed to carry</i>	17
247(1)	<i>Failing to ride in bicycle lane on road</i>	17
248	<i>Riding bicycle across road on crossing</i>	17
249	<i>Riding bicycle on separated footpath</i>	102
250(1)	<i>Riding bicycle on footpath or shared path if prohibited by another law</i>	10
250(2)	<i>Riding bicycle on footpath or shared path—failing to keep to left or give way</i>	17
251	<i>Riding bicycle on bicycle path, etc.—failing to keep to left of oncoming bicycle riders on path</i>	17
252(1)	<i>Riding bicycle where "no bicycles" sign or no bicycle road markings applies</i>	17
253	<i>Bicycle rider causing traffic hazard</i>	17
254(1)	<i>Bicycle being towed—riding towed bicycle</i>	17
254(2)	<i>Bicycle rider holding onto moving vehicle</i>	17
255	<i>Riding bicycle too close to rear of motor vehicle</i>	17
256(1)	<i>Riding bicycle—rider failing to wear bicycle helmet</i>	43
256(2)	<i>Riding bicycle—rider carrying passenger not wearing bicycle helmet</i>	42
257(1)	<i>Riding with person on bicycle trailer</i>	17
258	<i>Riding bicycle not equipped with brake or warning device</i>	17
259	<i>Riding bicycle at night or in hazardous weather conditions without displaying lights, etc.</i>	17
260(1)	<i>Failing to stop bicycle for red bicycle crossing light</i>	17
260(2)	<i>Proceeding after stopping for red bicycle crossing light—proceeding before light changes, etc.</i>	17

261(1)	<i>Failing to stop bicycle for yellow bicycle crossing light</i>	17
262(1)	<i>Proceeding at intersection when bicycle crossing lights change to yellow from red—failing to finish crossing</i>	17
262(2)	<i>Proceeding on road when bicycle crossing lights change to yellow from red—failing to cross road</i>	17
264(1)	<i>Failing to wear seatbelt—driver</i>	145
265(1)	<i>Failing to wear seatbelt—passenger 16 years old, or older</i>	145
266(1)	<i>Failing to ensure passenger under 16 years old is wearing seatbelt</i>	145
268(1)	<i>Travelling in or on part of motor vehicle not designed primarily for carriage of passengers or goods</i>	68
268(2)	<i>Travelling in or on part of motor vehicle designed primarily for carriage of goods</i>	100
268(3)	<i>Travelling in or on motor vehicle with part of body outside window or door</i>	68
268(4)	<i>Driving motor vehicle with part of passenger's body outside window or door</i>	68
269(1)	<i>Getting off or out of moving vehicle</i>	67
269(3)	<i>Creating hazard by opening door of vehicle, leaving door open, etc.</i>	68
269(4)	<i>Driving bus while doors not closed</i>	150
270(1)	<i>Riding motor bike without wearing helmet or with passenger not wearing helmet</i>	43
270(2)	<i>Passenger on motor bike failing to wear helmet</i>	43
271(1)	<i>Riding on motor bike—rider failing to ride in correct position</i>	58
271(2)	<i>Riding on motor bike—passenger failing to ride in correct position</i>	58
271(3)	<i>Riding on motor bike—rider riding with passenger not riding correctly</i>	58
271(4)	<i>Riding on motor bike (without sidecar)—riding with more than permitted number of passengers</i>	58
271(5)	<i>Riding on motor bike (with sidecar)—riding with more than permitted number of passengers</i>	58
272	<i>Passenger interfering with driver's control of vehicle, etc.</i>	150
274	<i>Failing to stop for red T light—tram driver</i>	199
275	<i>Failing to stop for yellow T light—tram driver</i>	199
277	<i>Proceeding after stopping for a red or yellow T light—tram driver</i>	199
279(2)	<i>Proceeding when white T light or white traffic arrow no longer showing—tram driver proceeding before entering intersection</i>	199
279(3)	<i>Proceeding when white T light or white traffic arrow no longer showing—tram driver failing to leave intersection</i>	199
281	<i>Failing to stop for red B light—bus driver</i>	199
282	<i>Failing to stop for yellow B light—bus driver</i>	199
284	<i>Proceeding after stopping for red or yellow B light—bus driver</i>	199
286(2)	<i>Proceeding when white B light or white traffic arrow no longer showing—bus driver proceeding before entering intersection</i>	199
286(3)	<i>Proceeding when white B light or white traffic arrow no longer showing—bus driver failing to leave intersection</i>	199
288(1)	<i>Driving on path</i>	102
288(4)	<i>Driving on path—failing to give way</i>	101
289(1)	<i>Driving on nature strip</i>	101
289(2)	<i>Driving on nature strip—failing to give way</i>	101
290	<i>Driving on traffic island</i>	101
291	<i>Making unnecessary noise or smoke while starting or driving vehicle</i>	79
292	<i>Driving or towing vehicle carrying insecure or overhanging load</i>	49
293(2)	<i>Failing to remove from road things fallen from vehicle while driving</i>	95
294(1)	<i>Towing vehicle without keeping control of vehicle being towed</i>	62
294(2)	<i>Towing trailer without keeping control of trailer</i>	62
295(1)	<i>Motor vehicle towing another vehicle with towline not in accordance with rule</i>	62
296(1)	<i>Reversing vehicle when not safe to do so</i>	199
296(2)	<i>Reversing vehicle further than reasonably necessary</i>	108
297(1)	<i>Driving motor vehicle without having proper control of vehicle</i>	68
297(2)	<i>Driving motor vehicle without clear view of road, etc.</i>	68
298	<i>Driving motor vehicle towing trailer with person in trailer</i>	100
299(1)	<i>Driving motor vehicle with TV or VDU in operation in vehicle</i>	43
300(1)	<i>Using hand-held mobile phone while driving vehicle</i>	150
301	<i>Leading animal while driving motor vehicle</i>	43

301	<i>Leading animal while riding bicycle</i>	17
302	<i>Rider of animal on footpath or nature strip failing to give way to pedestrian</i>	17
303(1)	<i>Riding animal alongside more than 1 other rider on non multi-lane road</i>	17
303(2)	<i>Riding animal alongside another rider in marked lane</i>	17
303(4)	<i>Riding animal alongside another rider more than 1.5 metres from other rider</i>	17
304(1)	<i>Failing to obey direction of police officer or authorised person</i>	126

PART 3
OFFENCES AGAINST THE ROAD TRAFFIC (DRIVING HOURS)
REGULATIONS 1999

Reg.	Description of offence against Road Traffic (Driving Hours) Regulations 1999	Fee (\$)
19(2)	<i>Exceeding driver's maximum driving time for relevant period 1, 2 or 3 (heavy truck or commercial bus)</i>	160
20(2)	<i>Exceeding driver's maximum work time for relevant period 1, 2 or 3 (heavy truck or commercial bus)</i>	160
21(2)	<i>Failing to comply with driver's required minimum rest time for relevant period 1, 2 or 3 (heavy truck)</i>	160
21(3)	<i>Failing to comply with driver's required minimum rest time for relevant period 1, 2 or 4 (commercial bus)</i>	160
28(3)	<i>Exceeding driver's maximum driving time for relevant period (heavy truck)</i>	160
29(2)	<i>Exceeding driver's maximum work time for relevant period (heavy truck)</i>	160
30(3)	<i>Failing to comply with driver's required minimum rest time for relevant period (heavy truck)</i>	160
39	<i>Employer registered as employer participant in TFMS failing to comply with requirement of reg. 39</i>	160
129(1)	<i>Contravention or failure to comply with provision for which no penalty is specifically provided</i>	160

PART 4
OFFENCES AGAINST THE ROAD TRAFFIC (MISCELLANEOUS)
REGULATIONS 1999

Reg.	Description of offence against Road Traffic (Miscellaneous) Regulations 1999	Fee (\$)
20(3)	<i>Driving or towing vehicle on certain roads while transporting dangerous substance</i>	130
21(1)	<i>Parking in certain public places</i>	
	<i>Parking in City of Adelaide Park Lands</i>	63
	<i>Parking in other public place</i>	23
22(3)	<i>Contravening notice prohibiting fishing or other specified activities from specified bridge or causeway</i>	43
23(1)	<i>Failing to ensure dog does not enter or remain on certain bicycle paths</i>	86
25(2)	<i>Driving or towing on road vehicle not complying with requirements of regulation—vehicle altered from original specifications</i>	42
44(1)	<i>Contravening or failing to comply with provision of regulations</i>	
	<i>Contravention of or failure to comply with—</i>	
	reg. 28 <i>Riding bicycle not complying with requirements of regulation</i>	17

reg. 29(1)	<i>Bicycle rider towing vehicle other than bicycle trailer complying with regulation or towing more than one vehicle</i>	17
reg. 33(4)	<i>Removing, altering or defacing defect label lawfully affixed to vehicle</i>	52
reg. 36(7)	<i>Selling, or offering for sale, for use in motor vehicle seat belt or part of seat belt not complying with requirements of regulation or removed from vehicle in which previously used</i>	175
reg. 37(3)	<i>Selling, or offering for sale, for use in motor vehicle child restraint or part of child restraint not approved</i>	175
reg. 38(3)	<i>Selling, or offering for sale, for use by motor bike rider or passenger helmet not complying with standard</i>	175
reg. 38(5)	<i>Selling, or offering for sale, for use by bicycle rider or rider of wheeled recreational device or wheeled toy helmet not meeting requirement</i>	175

Photographic detection devices

1. The expiation fee for an alleged offence against s. 79B(2) of the Act constituted of being the owner of a vehicle that appears from evidence obtained through the operation of a photographic detection device to have been involved in the commission of an expiable offence is the same as the expiation fee payable for that expiable offence.

Lesser expiation fee if motor vehicle not involved

2. Despite the fees fixed in the tables above, the expiation fee is \$17 for an alleged offence (other than an offence constituted of failing to comply with the lawful directions of a person or an offence against s. 162C(1), (2) or (2a) of the Act) constituted of—

- (a) driving, towing, stopping or parking a vehicle other than a motor vehicle; or
- (b) travelling in or on a wheeled recreational device or wheeled toy.

REGULATIONS UNDER THE WORKERS REHABILITATION AND COMPENSATION ACT 1986

No. 237 of 1999

At the Executive Council Office at Adelaide 25 November 1999

PURSUANT to the *Workers Rehabilitation and Compensation Act 1986* and with the advice and consent of the Executive Council, I make the following regulations.

E. J. NEAL Governor

PURSUANT to section 10AA(2) of the *Subordinate Legislation Act 1978*, I certify that, in my opinion, it is necessary or appropriate that the following regulations come into operation as set out below.

MICHAEL ARMITAGE Minister for Government Enterprises

SUMMARY OF PROVISIONS

1. Citation
2. Commencement
3. Variation of reg. 1—Citation
4. Variation of reg. 3—Interpretation
5. Revocation of regs. 4 to 14
6. Revocation of regs. 16 to 19
7. Revocation of schedules

Citation

1. The *Workers Rehabilitation and Compensation (General) Regulations 1987* (see *Gazette* 24 September 1987 p. 1002), as varied, are referred to in these regulations as "the principal regulations".

Commencement

2. These regulations will come into operation on 1 December 1999.

Variation of reg. 1—Citation

3. Regulation 1 of the principal regulations is varied by striking out "*(General)*" and substituting "*(Disclosure of Information)*".

Variation of reg. 3—Interpretation

4. Regulation 3 of the principal regulations is varied by striking out the definition of "**prime bank rate**".

Revocation of regs. 4 to 14

5. Regulations 4 to 14 (inclusive) of the principal regulations are revoked.

Revocation of regs. 16 to 19

6. Regulations 16 to 19 (inclusive) of the principal regulations are revoked.

Revocation of schedules

7. The schedules of the principal regulations are revoked.

REGULATIONS UNDER THE WORKERS REHABILITATION AND COMPENSATION ACT 1986

No. 238 of 1999

At the Executive Council Office at Adelaide 25 November 1999

PURSUANT to the *Workers Rehabilitation and Compensation Act 1986* and with the advice and consent of the Executive Council, I make the following regulations.

E. J. NEAL Governor

PURSUANT to section 10AA(2) of the *Subordinate Legislation Act 1978*, I certify that, in my opinion, it is necessary or appropriate that the following regulations come into operation as set out below.

MICHAEL ARMITAGE Minister for Government Enterprises

SUMMARY OF PROVISIONS

1. Citation
2. Commencement
3. Revocation
4. Interpretation
5. Expenses for witnesses
6. Costs on account of representation
7. Reimbursement of medical costs
8. Applications for review
9. Extensions of time
10. Appeals
11. Special references to review officers

Citation

1. These regulations may be cited as the *Workers Rehabilitation and Compensation (Reviews and Appeals) Regulations 1999*.

Commencement

2. These regulations will come into operation on 1 December 1999.

Revocation

3. The *Workers Rehabilitation and Compensation (Reviews and Appeals) Regulations 1987* (see *Gazette* 24 September 1987 p. 1008), as varied, are revoked.

Interpretation

4. (1) In these regulations, unless the contrary intention appears—

"Act" means the *Workers Rehabilitation and Compensation Act 1986*;

"Chief Review Officer" means a person acting with the authority of the Corporation in the position of Chief Review Officer for the purposes of proceedings to which these regulations apply;

"1987 Regulations" means the *Workers Rehabilitation and Compensation (Reviews and Appeals) Regulations 1987*, as in force immediately before the commencement of these regulations;

"Registrar" means the Registrar of the Tribunal;

"**review authority**" has the meaning given by the Act immediately before 3 June 1996;

"**Tribunal**" means the Workers Compensation Appeal Tribunal.

(2) These regulations apply to proceedings commenced under the Act before 3 June 1996.

(3) A reference in these regulations to a section of the Act is a reference to that section as in force immediately before 3 June 1996.

Expenses for witnesses

5. For the purposes of section 91 of the Act (and subject to any contrary direction by the review authority), a witness in proceedings before a review authority is entitled to reimbursement of any expense that the review authority certifies has been, or is likely to be, reasonably incurred by the witness as a consequence of appearing before the review authority.

Costs on account of representation

6. (1) Pursuant to section 92a of the Act, the following limits on costs are fixed in relation to proceedings before a Review Officer, and related conciliation proceedings:

Item	Limit \$
Assistance in the preparation and lodgement of an application for review	80
Participation in the conciliation process	100
Participation in the dispute resolution/conclusion process	80
Preparation of case for a review hearing	150
Appearance before a Review Officer (to a maximum of \$320)	
First hour	100
Second hour	60
Third and subsequent hours	30

(2) Pursuant to section 92a of the Act, the costs awarded to a party who is represented in proceedings before the Tribunal cannot exceed 85 per cent of the costs that would have been payable on a party and party basis had the proceedings been proceedings before the Supreme Court.

(3) If a bill of costs is ordered to be made subject to examination, or is disputed—

- (a) if the proceedings were before a Review Officer (or relate to conciliation proceedings)—the bill of costs must be submitted to a Review Officer for examination;
- (b) if the proceedings were before the Tribunal—the bill of costs must be submitted to the Registrar for examination.

(4) A copy of a bill of costs submitted by a party to proceedings for examination under subregulation (3) must be served on all other parties to the proceedings.

(5) At amount prescribed by subregulation (1) will be adjusted on an annual basis so that the relevant amount on or after 1 January 2000 will be an amount (calculated to the nearest multiple of \$10) that bears to the amount as prescribed on the commencement of this regulation the same proportion as the Consumer Price Index for the September quarter of the immediately preceding year bears to the Consumer Price Index for the September quarter, 1998.

Reimbursement of medical costs

7. The cost fixed in relation to a service in a scale published in the *Gazette* under section 32(9) of the Act is fixed as the limit on the costs which may be reimbursed for that service under section 92a of the Act.

Applications for review

8. (1) An application for review must be in the form set out in the first schedule of the 1987 Regulations containing the information required by that schedule.

(2) An application for review—

- (a) must be signed by the applicant, or by the applicant's representative; and
- (b) must be delivered or posted to the office of the Review Panel.

(3) If an application for review is received under subregulation (2), the Chief Review Officer, or an officer nominated by the Chief Review Officer, must cause notice of the application and a copy of the application (together with any accompanying documentation) to be sent to each of the following (other than the applicant):

- (a) the Corporation;
- (b) any employer or former employer who appears to the Chief Review Officer to have a proper interest in the decision sought to be reviewed;
- (c) the worker.

Extensions of time

9. An application for an extension of time pursuant to section 95(4) of the Act—

- (a) must be in the form set out in the fourth schedule of the 1987 Regulations containing the information required by that schedule; or
- (b) at the discretion of the Chief Review Officer or another Review Officer authorized by the Chief Review officer for the purposes of section 95(4) of the Act—may be made orally.

Appeals

10. (1) An appeal to the Tribunal must be in the form set out in the second schedule of the 1987 Regulations containing the information required by that schedule.

(2) An appeal to the Tribunal must be lodged with the Registrar.

(3) The appellant must, within seven days of lodging the appeal, serve a copy of the appeal notice on any other person who was a party to the proceedings to which the appeal relates.

Special references to review officers

11. For the purposes of section 102 of the Act, an application by a worker must be in the form set out in the third schedule of the 1987 Regulations containing the information required by that schedule.

REGULATIONS UNDER THE WORKERS REHABILITATION AND COMPENSATION ACT 1986

No. 239 of 1999

At the Executive Council Office at Adelaide 25 November 1999

PURSUANT to the *Workers Rehabilitation and Compensation Act 1986* and with the advice and consent of the Executive Council, I make the following regulations.

E. J. NEAL Governor

PURSUANT to section 10AA(2) of the *Subordinate Legislation Act 1978*, I certify that, in my opinion, it is necessary or appropriate that the following regulations come into operation as set out below.

MICHAEL ARMITAGE Minister for Government Enterprises

SUMMARY OF PROVISIONS

1. Citation
2. Commencement
3. Interpretation
4. Medical expenses
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8. Recovery of certain amounts paid to workers
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13. Compensation for loss of earning capacity
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19. Delegation to exempt employer
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23. Noise induced hearing loss
24. Schedule 3—Percentage loss of bodily function
25. Schedule 3—Aggregation of two or more disabilities

SCHEDULE 1

(Prescribed notice—Section 38(3))

SCHEDULE 2

(Prescribed notice—Section 38(7))

SCHEDULE 3

(Prescribed notice—Section 38A(2))

SCHEDULE 6

(Prescribed notice—Section 39(2))

SCHEDULE 7

(Prescribed notice—Section 41(1))

Citation

1. These regulations may be cited as the *Workers Rehabilitation and Compensation (General) Regulations 1999*.

Commencement

2. These regulations will come into operation on 1 December 1999.

Interpretation

3. In these regulations, unless the contrary intention appears—

"Act" means the *Workers Rehabilitation and Compensation Act 1986*;

"prime bank rate", for a particular financial year, means the average of the 12 month fixed-rate personal home loan rate and the fixed-rate unsecured personal loan rate, as fixed by the National Australia Bank Limited at the commencement of that financial year (expressed as a percentage per annum to two decimal places).

Medical expenses

4. (1) For the purposes of section 32(2)(e) of the Act, the maximum amount of compensation payable for the cost of the accommodation (including meals) of a worker away from home for the purpose of receiving medical services or approved rehabilitation is—

- (a) in respect of the period between 1 December 1999 and 31 December 1999 (both dates inclusive)—\$126 per day;
- (b) in 2000 or a subsequent year—an amount (calculated to the nearest multiple of \$10) that bears to \$126 the same proportion as the Consumer Price Index for the September quarter of the immediately preceding year bears to the Consumer Price Index for the September quarter, 1998.

(2) If an amount under subregulation (1) relates to accommodation outside South Australia, the maximum amount is increased by an additional \$50 per day.

Transportation for initial treatment

5. For the purposes of section 33(4) of the Act, the amount of \$150 is prescribed.

Compensation for property damage

6. (1) For the purposes of section 34 of the Act, the following limits apply in relation to the compensation payable for damage to personal property:

- (a) for damage to therapeutic appliances and tools of trade—no limit;
- (b) for damage to clothes and personal effects—\$1 500 in total.

(2) The amount prescribed under subregulation (1)(b) will be adjusted on an annual basis (according to calendar years) beginning on 1 January 2000 so that the relevant amount for a year from that time will be an amount (calculated to the nearest multiple of \$10) that bears to \$1 500 the same proportion as the Consumer Price Index for the September quarter for the year immediately preceding the relevant year bears to the Consumer Price Index for the September quarter, 1998.

Notices

7. Pursuant to sections 36(3), 39(3) and 45(7) of the Act, the following information must be included in a notice under any of those sections:

- (a) a statement of the decision that has been made to discontinue, reduce, suspend or adjust weekly payments; and
- (b) a reference to the provision of the Act and, if relevant, the regulations made under the Act, on which the Corporation is relying to discontinue, reduce, suspend or adjust weekly payments, and the text of that provision; and
- (c) the general basis on which the Corporation has made its decision.

Recovery of certain amounts paid to workers

8. (1) These regulations apply in relation to the Corporation's ability to recover or set off an amount under sections 36(5), (6) or (7), or 42B(5) of the Act.

(2) Subject to subregulation (3), the Corporation must—

- (a) commence proceedings to recover an amount due to the Corporation as a debt; or
- (b) exercise a right of set off under section 36(5)(b) or 42B(5)(b) of the Act,

within two years after the date on which the Corporation becomes entitled to take action under the Act.

(3) If the Corporation is satisfied on reasonable grounds—

- (a) in the case of an amount paid under section 36(4) of the Act—that the worker commenced the proceedings before the Tribunal knowing that he or she had no reasonable cause to dispute the Corporation's decision to discontinue, suspend or reduce weekly payments to the worker; or
- (b) in any other case—that the worker provided false or misleading information to the Corporation,

the Corporation may commence the proceedings or exercise the right of set off referred to in subregulation (2) at any time within 10 years after the date on which the Corporation becomes entitled to take action under the Act.

(4) The Corporation may, according to what is reasonable in the circumstances of the particular case, recover an amount under section 36(5)(a), (6) or (7), or section 42B(5)(a), of the Act—

- (a) as a single lump sum; or
- (b) by periodic payments; or
- (c) by a combination of a lump sum and periodic payments; or

(d) in some other manner agreed between the Corporation and the worker.

(5) Subregulation (4) operates subject to the following qualifications:

(a) the Corporation cannot require that a worker make periodic payments in excess of 10 per cent of the worker's net income for the period over which those payments are to be made without the agreement of the worker; and

(b) the Corporation may, in its absolute discretion, waive (absolutely or subject to such conditions as the Corporation thinks fit) the whole or any part of an amount that it is entitled to recover if—

(i) the Corporation is satisfied that the worker is experiencing severe financial hardship, or it appears appropriate to do so on account of any other special circumstances peculiar to the worker; or

(ii) the Corporation considers that it is appropriate to do so after the Corporation has balanced the likely costs that would be associated with recovering the amount against the amount itself; and

(c) unless the Corporation is satisfied on reasonable grounds—

(i) in the case of an amount paid under section 36(4) of the Act—that the worker commenced the proceedings before the Tribunal knowing that he or she had no reasonable cause to dispute the Corporation's decision to discontinue, suspend or reduce weekly payments to the worker; or

(ii) in any other case—that the worker has provided false or misleading information to the Corporation,

the Corporation must grant the following remissions if the total amount payable is repaid within the following periods:

(iii) a 15 per cent remission if the total amount is repaid within one month of the date on which the worker first receives a written notification of the amount that the worker is liable to pay;

(iv) a 10 per cent remission if the total amount is repaid within six months of the date on which the worker first receives a written notification of the amount that the worker is liable to pay.

(6) If a worker has made a periodic payment to the Corporation under subregulation (4), the Corporation must, within a reasonable time after the end of the financial year in which the payment is made, furnish the worker with a statement that sets out—

(a) the total amount paid by the worker during that financial year; and

(b) the amount left to be paid (if any),

and must furnish a final statement when the debt is extinguished.

(7) In this regulation—

"**net income**" of a worker means income after an appropriate deduction is made for any income tax payable by the worker.

Prescribed notices given by Corporation

9. (1) For the purposes of subsection (3) of section 38 of the Act, the form of the notice that must be given to a worker under that subsection is set out in schedule 1.

(2) For the purposes of subsection (7) of section 38 of the Act, the form of the notice that must be given to a worker under that subsection is set out in schedule 2.

(3) For the purposes of subsection (2) of section 38A of the Act, the form of notice that must be given to a worker under that subsection is set out in schedule 3.

(4) For the purposes of subsection (3) of section 39 of the Act, the form of notice that must be given to a worker under that subsection is set out in schedule 4.

(5) For the purposes of subsection (2) of section 41 of the Act, the form of notice that must be given to a worker under that subsection is set out in schedule 5.

Economic adjustments to weekly payments

10. (1) For the purposes of section 39(2)(a)(ii) of the Act, a worker must make an application under that section by using the form set out in schedule 6.

(2) A form referred to in subregulation (1) may be provided in electronic form according to a determination made by the Corporation and published in the *Gazette*.

Absence from Australia

11. (1) For the purposes of section 41(1) of the Act, a worker intending to be absent from Australia must give the Corporation the following information:

- (a) the date on which the worker intends to leave Australia; and
- (b) the date on which the worker intends to return to Australia or, if there is no such date, an estimate of the duration of his or her absence from Australia; and
- (c) details of the places where the worker will be while absent from Australia; and
- (d) an address at which contact may be made with the worker; and
- (e) details of any treatment that the worker intends to receive, or details of any arrangements for treatment that the worker has made, while absent from Australia; and
- (f) details of any employment that the worker might undertake while absent from Australia; and
- (g) details of any consultation in relation to the proposed absence that the worker has undertaken with any employer (including information as to the outcome of that consultation).

(2) The information required under subregulation (1) must be supplied—

- (a) in the form set out in schedule 7; or

(b) in a form determined by the Corporation.

(3) The information required under subregulation (1) may be provided in electronic form according to a determination made by the Corporation and published in the *Gazette*.

Prescribed limits on costs—Provision of professional advice

12. (1) For the purposes of section 42(4) of the Act, the following limits are prescribed in relation to the indemnity provided by the Corporation for the costs of obtaining professional advice in the event of a redemption:

Item	Limit
Obtaining professional advice about the consequences of redemption	\$300
Obtaining financial advice about the investment or use of money received on redemption	\$200.

(2) An amount prescribed by subregulation (1) will be adjusted on an annual basis (according to calendar years) beginning on 1 January 2000 so that the relevant amount for a year from that time will be an amount (calculated to the nearest multiple of \$10) that bears to the amount as prescribed on the commencement of this regulation the same proportion as the Consumer Price Index for the September quarter of the year immediately preceding the relevant year bears to the Consumer Price Index for the September quarter, 1998.

Compensation for loss of earning capacity

13. (1) For the purposes of section 42A(2)(c) of the Act, the prescribed discount rate is 3 per cent.

(2) For the purposes of section 42A(5) of the Act, the principles, and discount and inflation rates, that are to be applied to determine the actuarial equivalence of equal instalments to a lump sum are reflected in the following formula:

$$X = \frac{(K \times P)}{\left(1 - \frac{1}{(1 + K)^N}\right) \times (1 + K)}$$

Where—

X is the amount of each instalment

K equals $((1 + I)^{1/M} - 1)$ where—

M is the number of instalments to be paid per year or, if the instalments are to be paid less frequently than annually, M is an amount calculated as follows:

$$M = \frac{1}{\begin{array}{l} \text{Number of years} \\ \text{duration of each} \\ \text{particular} \\ \text{instalment} \end{array}}$$

I is the prescribed discount rate (expressed as a decimal number) plus the prescribed inflation rate (expressed as a decimal number) for the period to which the assessment relates (*see subregulation (3)*)

P is the lump sum assessment of capital loss

N is the total number of instalments to be paid over the period to which the assessment relates.

(3) For the purposes of subregulation (2)—

(a) the prescribed discount rate is 3 per cent; and

(b) the prescribed inflation rate is the annual change (expressed as a percentage) in the Wage Cost Index, referenced to persons and South Australia, or its replacement, as published by the Commonwealth Statistician for September in the year immediately preceding the year in which the assessment is made.

Compensation for non-economic loss

14. Pursuant to section 43(9) of the Act, schedule 3 of the Act is amended by adding the following disability and percentage:

Nature of the Disability	Percentage fixed in relation to the disability
Loss of hand or loss of thumb and four fingers	80.

Compensation payable on death

15. (1) For the purposes of section 44(1)(a) of the Act, the prescribed amount that may be payable in relation to a funeral benefit is—

- (a) in relation to a worker who dies between 1 December 1999 and 31 December 1999 (both dates inclusive)—\$5 000;
- (b) in relation to a worker who dies in 2000 or a subsequent year—a sum (calculated to the nearest multiple of \$10) that bears to \$5 000 the same proportion as the Consumer Price Index for the September quarter of the immediately preceding year bears to the Consumer Price Index for the September quarter, 1998.

(2) For the purposes of section 44(14) of the Act, the prescribed rate of discount that is to be applied to the capitalised value of weekly payments under section 44 is 3%.

Exemption from two weeks of payments

16. (1) Pursuant to section 46(8a) of the Act, employers who are participating in the RISE scheme are, subject to subregulation (2), a prescribed class of employers exempt from the operation of section 46(3) of the Act.

(2) The exemption under subregulation (1) is limited to cases where—

- (a) the disability is suffered by a worker who is employed by the employer under the RISE scheme; and
- (b) the disability is, or results from, the aggravation, acceleration, exacerbation, deterioration or recurrence of the disability to which the worker's participation in the RISE scheme can be attributed.

(3) In this regulation—

"**RISE scheme**" means the re-employment scheme called the *Re-employment Incentive Scheme for Employers* established by the Corporation for workers who have suffered compensable disabilities.

Rate of interest payable on weekly payments in arrears

17. For the purposes of section 47(1) of the Act, the interest payable on a weekly payment in arrears is the prime bank rate for the financial year in which the amount went into arrears.

Payments by Corporation on behalf of defaulting employers

18. For the purposes of section 48(2) of the Act, the administration fee payable to the Corporation when the Corporation makes a payment on behalf of an employer is \$50.

Delegation to exempt employer

19. Pursuant to section 63(1)(b) of the Act, the powers and discretions of the Corporation under section 38A of the Act are prescribed.

Notification by exempt employers

20. Pursuant to section 63(3aa) of the Act—

- (a) an exempt employer must provide the following information to the Corporation before it proceeds to make an assessment under Division 4B of Part 4 of the Act:
 - (i) the period to which the assessment relates; and
 - (ii) the worker's weekly earnings and an estimation of the income tax that would otherwise be payable over the period to which the assessment relates; and

- (iii) whether the proposed assessment is to be a final assessment or an interim assessment; and
 - (iv) the amount of capital loss assessed by the exempt employer; and
 - (v) whether it is proposed that the amount assessed be paid in a single lump sum or by instalments and, in the case of instalments, the frequency and amount of each instalment; and
- (b) if the exempt employer has made an interim assessment of loss—an exempt employer must, at least one month before the expiration of the period to which that interim assessment relates, furnish the Corporation with new information that complies with the requirements of paragraph (a) for the period to which the next assessment will relate; and
- (c) an exempt employer must, on request, within a reasonable time, supply the Corporation with such other information as the Corporation may require in order to determine whether it is appropriate to grant its consent to the assessment under the Act.

Progress reports to employers

21. For the purposes of section 107(2) of the Act, the fee payable on a request under section 107 by an employer to the Corporation for a report on a worker is \$5.

Medical examination requested by employers

22. For the purposes of section 108(2), a worker is not required to submit to examinations under section 108 more frequently than once in every two months.

Noise induced hearing loss

23. (1) For the purposes of section 113(3) and (4) of the Act, noise induced hearing loss is a prescribed disability.

(2) The following procedures apply for the purpose of establishing whether a worker is suffering from hearing loss that may be noise induced:

- (a) the worker must first undergo an audiometric test of hearing conducted by—
 - (i) a legally qualified medical practitioner; or
 - (ii) an audiologist; or
 - (iii) an audiometrist; and
- (b) for the purposes of paragraph (a)—
 - (i) an audiometric test must include air-conduction and bone-conduction pre-tone threshold measures with appropriate masking; and
 - (ii) air-conduction testing must comply with requirements of Rule 5.6.3.4 (a) and (c) of Australian Standard 1269 "Acoustics-Hearing Conversion"; and
 - (iii) bone-conduction testing must comply with the Audiological Society of Australia Professional Standards of Practice; and

- (iv) during an audiometric test, the hearing levels of the worker must be determined at audiometric test frequencies, 500, 1 000, 1 500, 2 000, 3 000 and 4 000Hz with an audiometer calibrated to the reference specified in Australian Standard AS 1591.2 : 1987, Part 2 "Reference Zero for the Calibration of Pure Tone Audiometers and AS 1591.4 : 1995, Part 1 "Reference Zero for the Calibration of Pure-Tone Bone Conduction Audiometers", and the instrumentation for bone conduction audiometry must also comply with Australian Standard 1591.4 :1995, Part 4 "Acoustics-Instrumentation for Audiometry-A Mechanical Complier for Calibration of Bone Vibrators"; and
 - (v) if noise induced hearing loss is diagnosed, the hearing levels of the better and worse ear must be determined at each audiometric test frequency and, using the hearing levels obtained, a percentage loss of hearing must be read at each audiometric test frequency in accordance with the appropriate tables so as to obtain six values of percentage loss of hearing, and those six values of percentage loss of hearing are to be added together to obtain the binaural percentage loss of hearing; and
 - (vi) if the worker is a man of or over the age of 56 years or a woman of or over the age of 69 years, the value in table P set out in Appendix 5 of NAL Report No 118 appropriate to the worker's age and sex must be subtracted from the binaural percentage of loss of hearing obtained in accordance with the procedure set out in subparagraph (v); and
- (c) in addition to an audiometric test, a legally qualified medical practitioner registered in the speciality of otorhinolaryngology, or approved by the Corporation, must carry out a physical examination of the worker (and any other appropriate investigation that the medical practitioner considers necessary) to determine whether the worker's hearing loss is noise induced or is due, or partly due, to ear disease or other causes of hearing loss and must, having regard to the results of the audiometric test of hearing, determine the noise induced hearing loss of the worker as a binaural noise induced hearing loss expressed as a percentage loss of hearing.
- (3) For the purposes of this regulation—
- (a) "**audiologist**" means a person who is either a full member, or eligible to be a full member, of the Audiological Society of Australia and who holds, or is eligible to hold, a Clinical Certificate of the Society;

"**audiometrist**" means a person who is either an ordinary member, or eligible to be an ordinary member, of the Australian College of Audiology;

"**Australian Standard**" means a standard of the Standards Association of Australia as in force for the time being and from time to time;

"**Hz**" means Hertz where one Hertz equals one cycle per second;

"**NAL Report No 118**" means the report entitled *Improved Procedure for Determining Percentage Loss of Hearing* published by the National Acoustic Laboratories in January 1988 (ISBN 0 644 06884 1); and
 - (b) the appropriate tables are tables RB-500 to RB-4000 (inclusive) set out in Appendix 3 of NAL Report No 118.

Schedule 3—Percentage loss of bodily function

24. Pursuant to clause 4 of Schedule 3 of the Act, the *Guides to the Evaluation of Permanent Impairment* Third Edition (Revised) published by the American Medical Association (Department of Preventive Medicine and Public Health, American Medical Association, Chicago) are approved as professionally accepted principles for the purpose of determining the percentage loss of total bodily function represented by a particular impairment of a physical or sensory faculty.

Schedule 3—Aggregation of two or more disabilities

25. Pursuant to clause 5 of Schedule 3 of the Act, the following is prescribed as the principle to be applied if a worker is entitled to compensation in respect of two or more disabilities to which that schedule applies:

$$P = P1 + P2 + P3 + P4 + \dots \text{ and so on}$$

Where—

P is the worker's percentage entitlement of the prescribed sum;

P1, P2, P3, P4..... are the percentages of the prescribed sum that are payable under this principle for the various disabilities, calculated as follows:

$$P1 = a$$

$$P2 = \frac{100 - P1}{100} \times b$$

$$P3 = \frac{100 - (P1 + P2)}{100} \times c$$

$$P4 = \frac{100 - (P1 + P2 + P3)}{100} \times d,$$

and so on, where a, b, c, d and so on are the percentages that would be individually applicable to the disabilities if there were no question of aggregation.

Note: Where applicable, the supplementary benefit payable under section 43(7a) of the Act is payable in addition to the amount calculated above if that amount exceeds 55 per cent of the prescribed sum.

SCHEDULE 1
(Prescribed notice—Section 38(3))

Notice of Pending Review of Weekly Payments

Date

Worker's Name
Worker's Address

Re: Worker's Name:
Claim Number:
Employer:

Section 38 of the *Workers Rehabilitation and Compensation Act 1986* (the Act) provides for a review of the amount of the weekly payments made to a worker who has suffered a compensable disability.

Take notice that it is the intention of the Corporation to review your entitlements to weekly payments pursuant to section 38 of the Act.

If the Corporation finds on review under this section that your entitlement to weekly payments has altered, it must adjust or discontinue your weekly payment to reflect the review finding.

You may **within **** days** of the date of this request forward to any written representation you wish to make on the subject of this review. For example you may have medical evidence of your incapacity or further evidence of your earnings.

Should you have any queries on the above please contact.....

Signature

SCHEDULE 2
(Prescribed notice—Section 38(7))

Outcome of Review of Weekly Payments

(Section 38 of the Act)

This form is used to provide information on the outcome of a review pursuant to section 38 of the *Workers Rehabilitation and Compensation Act 1986* as amended, of the weekly payments made to a worker who has suffered a compensable disability.

Worker Details

Full Name

Claim Number

Address

Postcode

Telephone Number

Employer Details

Name

Address

Postcode

Telephone Number

Date of completion
of Review

--

Decision

Following a review of the worker's entitlement to weekly payments the Corporation has determined that the worker's weekly payments are to be:

Increased

Decreased

Discontinued

Unchanged

The rate of income maintenance has been determined at \$.....per week.

Provisions of the Act relied upon

Section/s:

Regulation/s:

Extracts of these sections are attached for your information.

Basis for the decision

Signature:

If the above decision relates to the reduction or discontinuance of weekly payments, pursuant to Section 36(3a)(c) of the Act we give you notice that the weekly payments determined at the above review will commence 21 days from the date you receive this notice.

Review Rights

If you disagree with the above decision, you may apply for a review under Section 90 of the Act. To apply, a completed Notice of Dispute must be lodged with the Workers Compensation Tribunal within one month from the date that you receive this notice. Further information about the review process is attached.

If your Notice of Dispute is received within one month, Section 36(4) of the Act provides that weekly payments must continue at the full rate until the matter is brought before an officer of the Tribunal. If payments have been discontinued or reduced they must be reinstated and any amount withheld paid. However, if the Tribunal confirms the above decision, any amount which has been paid to you after the 21 day notice period may be recovered from you as a debt.

If your Notice of Dispute is received after one month your weekly payments will not continue or be reinstated unless an officer of the Tribunal makes a determination in your favour.

SCHEDULE 3
(Prescribed notice—Section 38A(2))

**NOTICE OF INTENTION TO DISCONTINUE/REDUCE WEEKLY PAYMENTS
DUE TO THE PASSAGE OF TIME**
Section 38A of the Workers Rehabilitation and Compensation Act 1986 (the Act)

Worker Details

Employer Details

Name

Name

Address

Address

Claim Number

Decision

Reason for decision

An extract of the relevant sections of the Act is attached.

Review Rights

If you disagree with the above decision you may apply for a review under Section 90 of the Act. To apply, a completed Notice of Dispute must be lodged with the Workers Compensation Tribunal within one month from the date that you receive this notice.

If you have any questions regarding this notice please contact the undersigned on (08)

Signature
(Name of Case Manager)

Date

SCHEDULE 4
(Prescribed notice—Section 39(3))

ECONOMIC ADJUSTMENTS TO WEEKLY PAYMENTS
Section 39 of the Workers Rehabilitation and Compensation Act 1986 (the Act)

Worker Details**Employer Details**

Name

Name

Address

Address

Claim Number

Decision**Reason for decision**

An extract of the relevant sections of the Act is attached.

Review Rights

If you disagree with the above decision you may apply for a review under Section 90 of the Act. To apply, a completed Notice of Dispute form must be lodged with the Workers Compensation Tribunal within one month from the date that you receive this notice.

If you have any questions regarding this notice please contact the undersigned on (08)

Signature
(Name of Case Manager)

Date

SCHEDULE 5
(Prescribed notice—Section 41(2))

ABSENCE OF WORKER FROM AUSTRALIA
NOTICE OF INTENTION TO SUSPEND/REDUCE WEEKLY PAYMENTS
Section 41 of the Workers Rehabilitation and Compensation Act 1986 (the Act)

Worker Details

Employer Details

Name

Name

Address

Address

Claim Number

Decision

Reason for decision

An extract of section 41 is attached.

Review Rights

If you disagree with the above decision you may apply for a review under Section 90 of the Act. To apply, a completed Notice of Dispute form must be lodged with the Workers Compensation Tribunal within one month from the date that you receive this notice.

If you have any questions regarding this notice please contact the undersigned on (08)

Signature
(Name of Case Manager)

Date

SCHEDULE 6
(Prescribed notice—Section 39(2))

Section 39 Economic adjustments to weekly payments
Application for consideration of Award/Enterprise Agreement Changes

Each year the Corporation is required to review the weekly payments for the purpose of making an adjustment to the amount of those payments under section 39 of the *Workers Rehabilitation and Compensation Act 1986*.

If you apply, this adjustment must be based on changes to award or enterprise agreement payable to a group of workers of which you were a member at the time of your disability. Please advise your claims manager if you need interpreting services to aid the completion of this form.

I,, request that the changes in rates of remuneration
(Name)
payable at my workplace be taken into consideration when calculating that section 39 economic adjustment.

Claim Number:.....

.....
Signed Date

Business/Employer Name

.....

Workplace Address.....

Employers workers compensation contact person (or your Supervisor).....

Contact Telephone Number.....

If known, please complete the following details:

Please nominate the award or enterprise agreement which covers you at your pre-injury place of work

.....
.....

Please fill in the following details of % increase or dollar amount increases in the past 12 months at your workplace:

An increase of % of \$..... was effective from/...../.....
(Date)

An further increase of % of \$..... was effective from/...../.....
(Date)

Any other relevant information

.....
.....

Please keep a copy of this form for your records and post the original to your claims agent

SCHEDULE 7
(Prescribed notice—Section 41(1))

Section 41 Notice—Absence from Australia

If a worker is receiving weekly payments and intends to be absent from Australia for longer than 28 days the following notice must be completed and provided to the claims manager **at least 28 days** before leaving Australia. Please advise your claims manager if you need interpreting services to aid the completion of this form.

If you do not provide the following information it may result in weekly payments not being paid.

Worker Name:.....

Claim Number:.....

Name of Employer:.....

The date on which you intend to leave Australia / /

The date on which you intend to return to Australia / /
or, an estimate of the duration of your absence from Australia months weeks days

Details of the places where you will be while absent from Australia:

.....

.....

Address at which you may be contacted:.....

.....

Do you intend to receive any medical treatment while absent from Australia? Yes/No

If yes, please provide details of any medical treatment that you intend to receive

Do you intend to work while absent from Australia: Yes/No

If yes, please provide details:

Has the absence been discussed with any employer? Yes/No

If yes, please provide details:

Name:

Signature: Date:

REGULATIONS UNDER THE WORKERS REHABILITATION AND COMPENSATION ACT 1986

No. 240 of 1999

At the Executive Council Office at Adelaide 25 November 1999

PURSUANT to the *Workers Rehabilitation and Compensation Act 1986* and with the advice and consent of the Executive Council, I make the following regulations.

E. J. NEAL Governor

PURSUANT to section 10AA(2) of the *Subordinate Legislation Act 1978*, I certify that, in my opinion, it is necessary or appropriate that the following regulations come into operation as set out below.

MICHAEL ARMITAGE Minister for Government Enterprises

SUMMARY OF PROVISIONS

1. Citation
2. Commencement
3. Revocation
4. Interpretation
5. Disclosure of information

Citation

1. These regulations may be cited as the *Workers Rehabilitation and Compensation (Disclosure of Information) Regulations 1999*.

Commencement

2. These regulations will come into operation on the day immediately following the day on which the time for disallowance of these regulations has passed (*see* section 112(2a) of the *Workers Rehabilitation and Compensation Act 1986*).

Revocation

3. The *Workers Rehabilitation and Compensation (Disclosure of Information) Regulations 1987* (*see Gazette* 24 September 1987, p. 1002), as varied, are revoked.

Interpretation

4. In these regulations—

"Act" means the *Workers Rehabilitation and Compensation Act 1986*.

Disclosure of information

5. (1) Pursuant to section 112(2)(h) of the Act, the following information may (to such extent as may be determined by the Corporation in its absolute discretion) be disclosed to the South Australian Department of Primary Industries and Resources:

(a) in relation to any employer registered under the Act who is engaged in the mining or petroleum industries—

- (i) the name, residential or postal address, business address, and telephone number, of the employer;

- (ii) any registration code or other identifying number assigned to the employer by the Corporation;
 - (iii) the class or classes of industry in which the employer is or has been engaged;
 - (iv) the number of workers employed or formerly employed by the employer in each class of industry;
 - (v) the total number of disabilities suffered by workers employed by the employer during any particular period;
- (b) in relation to any worker who has suffered a compensable disability while employed in the mining or petroleum industries—
- (i) the name of the employer from whose employment the disability arose;
 - (ii) the day on which the disability occurred;
 - (iii) the place at which the disability occurred;
 - (iv) the nature of the disability;
 - (v) the apparent cause of the disability;
 - (vi) details of any work being undertaken by the worker at the time of the occurrence of the disability;
 - (vii) any information relating to an aggravation, acceleration, exacerbation, deterioration or recurrence of the disability;
 - (viii) the period of any incapacity (or the estimated period of incapacity) on account of the disability;
 - (ix) details of any rehabilitation provided to the worker.

(2) Pursuant to section 112(2)(h) of the Act, the following information may (to such extent as may be determined by the Corporation in its absolute discretion) be disclosed to the South Australian Department of Industry and Trade in relation to any employer registered under the Act:

- (a) the name, residential or postal address, business address, and telephone number, of the employer;
- (b) any registration code or other identifying number assigned to the employer by the Corporation;
- (c) the class or classes of industry in which the employer is or has been engaged;
- (d) the number of workers employed or formerly employed by the employer in each class of industry.

REGULATIONS UNDER THE WORKERS REHABILITATION AND COMPENSATION ACT 1986

No. 241 of 1999

At the Executive Council Office at Adelaide 25 November 1999

PURSUANT to the *Workers Rehabilitation and Compensation Act 1986* and with the advice and consent of the Executive Council, I make the following regulations.

E. J. NEAL Governor

PURSUANT to section 10AA(2) of the *Subordinate Legislation Act 1978*, I certify that, in my opinion, it is necessary or appropriate that the following regulations come into operation as set out below.

MICHAEL ARMITAGE Minister for Government Enterprises

SUMMARY OF PROVISIONS

1. Citation
2. Commencement
3. Revocation
4. Interpretation
5. Legislative definitions
6. Evidentiary provision
7. Claims for compensation
8. Registration of employers
9. Exempt employers
10. Agencies of the Crown
11. Registration
12. Terms and conditions applicable to exempt employers
13. Remission of levy
14. Minimum levy
15. Returns by employers
16. Penalty for late payment of levy
17. Volunteers
18. Insurance for employers against liabilities apart from the Act
19. Expiation of certain offences
20. Interest payable under transitional provisions
21. Transitional provision

SCHEDULE 1

SCHEDULE 2

SCHEDULE 3

PART 1

PART 2

SCHEDULE 4*Exempt Employers**Terms and Conditions of Registration***SCHEDULE 5***Section 105—Insurance of Employers**Terms and Conditions***SCHEDULE 6***Section 61—Agencies and Instrumentalities of the Crown***Citation**

1. These regulations may be cited as the *Workers Rehabilitation and Compensation (Claims and Registration) Regulations 1999*.

Commencement

2. These regulations will come into operation on 1 December 1999.

Revocation

3. The *Workers Rehabilitation and Compensation (Claims and Registration) Regulations 1987* (see *Gazette* 6 August 1987 p. 379), as varied, are revoked.

Interpretation

4. In these regulations, unless the contrary intention appears—

"the Act" means the *Workers Rehabilitation and Compensation Act 1986*;

"award" means an award under the *Industrial and Employee Relations Act 1994* or the *Workplace Relations Act 1996* of the Commonwealth;

"building work" has the same meaning as in the *Building Work Contractors Act 1995*;

"C.F.S." means the Country Fire Service;

"cleaning work" means the work of cleaning any building or a part of a building (including the windows of a building or the surrounds of a building);

"commercial motor vehicle" means a motor vehicle constructed or adapted solely or mainly for the carriage of goods or materials (including money) by road, including a prime mover, truck, panel van, utility and station wagon, but not including a motor cycle;

"industrial agreement" means—

(a) an enterprise agreement within the meaning of the *Industrial and Employee Relations Act 1994*; or

(b) a certified agreement or Australian Workplace agreement within the meaning of the *Workplace Relations Act 1996* of the Commonwealth;

"outworker" has the meaning given by the *Industrial and Employee Relations Act 1994*;

"**prime bank rate**", for a particular financial year, means the average of the 12 months fixed-rate personal home loan rate and the fixed-rate unsecured personal loan rate, as fixed by the National Australian Bank Limited at the commencement of that financial year (expressed as a percentage per annum to two decimal places);

"**wall or floor tiling**" means any work performed within the wall and floor tiling trade (including any ancillary building work of a minor nature only);

"**window cleaning work**" means the work of cleaning any window of a building or a part of a building.

Legislative definitions

5. (1) For the purposes of the definition of "**contract of service**" in section 3(1) of the Act (but subject to this regulation), the following classes of work under a contract, arrangement or understanding are prescribed classes of work:

- (a) building work, other than wall or floor tiling, where—
- (i) the work is performed by one person to the contract, arrangement or understanding (the worker) in the course of or for the purposes of a trade or business carried on by another person to the contract, arrangement or understanding (the employer); and
 - (ii) the work is performed personally by the worker (whether or not the worker supplies any tools, plant or equipment); and
 - (iii) the worker does not employ any other person to carry out any part of the work; and
 - (iv) the value of any materials supplied, or reasonably expected to be supplied, by the worker does not exceed—
 - (A) 4 per cent of the total amount payable, or reasonably expected to be payable, under or pursuant to the contract, arrangement or understanding; or
 - (B) \$50,whichever is the greater; and
 - (v) the value of any one tool, or any single item of plant or equipment, owned or leased by the worker for work purposes (whether or not it is used in the performance of the particular work) does not exceed—
 - (A) in 1999—\$12 000;
 - (B) in a subsequent year—an amount (calculated to the nearest multiple of \$100) that bears to \$12 000 the same proportion as the Consumer Price Index for the September quarter of the immediately preceding year bears to the Consumer Price Index for the September quarter, 1998;

- (b) cleaning work, where—
- (i) the work is performed by one person to the contract, arrangement or understanding (the worker) in the course of or for the purposes of a trade or business carried on by another person to the contract, arrangement or understanding (the employer); and
 - (ii) the work is performed personally by the worker (whether or not the worker supplies any tools, plant or equipment); and
 - (iii) the worker does not employ any other person to carry out any part of the work; and
 - (iv) —
 - (A) in the case of window cleaning work—the value of any materials supplied, or reasonably expected to be supplied, by the worker does not exceed—
 - if the term of the contract, arrangement or understanding is not more than one month—\$25;
 - if the term of the contract, arrangement or understanding is more than one month—an average of \$25 per month;
 - (B) in any other case—the value of any materials supplied, or reasonably expected to be supplied, by the worker does not exceed—
 - if the term of the contract, arrangement or understanding is not more than one month—\$50;
 - if the term of the contract, arrangement or understanding is more than one month—an average of \$50 per month;
- (c) driving a motor vehicle used for the purposes of transporting goods or materials (whether or not the vehicle is registered in the driver's name) where the driver is paid under the Local Government Employees Award or the Adelaide City Corporation Award and where—
- (i) the work is performed by one person to the contract, arrangement or understanding (the worker) in the course of or for the purposes of a trade or business carried on by another person to the contract, arrangement or understanding (the employer); and
 - (ii) the work is performed personally by the worker (whether or not the worker supplies any tools, plant or equipment); and
 - (iii) the worker does not employ any other person to carry out any part of the work; and
 - (iv) the value of any materials supplied, or reasonably expected to be supplied, by the worker does not exceed \$50;

- (d) driving a taxi-cab or similar motor vehicle used for the purpose of transporting members of the public where the driver does not hold or lease a licence issued in relation to the vehicle and where—
- (i) the work is performed by one person to the contract, arrangement or understanding (the worker) in the course of or for the purposes of a trade or business carried on by another person to the contract, arrangement or understanding (the employer); and
 - (ii) the work is performed personally by the worker (whether or not the worker supplies any tools, plant or equipment); and
 - (iii) the worker does not employ any other person to carry out any part of the work; and
 - (iv) the value of any materials supplied, or reasonably expected to be supplied, by the worker does not exceed \$50;
- (e) driving or riding for fee or reward a vehicle, other than a commercial motor vehicle, for the purpose of transporting by road goods or materials (including money) where the driver or rider does not simultaneously own or operate more than one vehicle for work purposes and where—
- (i) the work is performed by one person to the contract, arrangement or understanding (the worker) in the course of or for the purposes of a trade or business carried on by another person to the contract, arrangement or understanding (the employer); and
 - (ii) the work is performed personally by the worker (whether or not the worker supplies any tools, plant or equipment); and
 - (iii) the worker does not employ any other person to carry out any part of the work; and
 - (iv) the value of any materials supplied, or reasonably expected to be supplied, by the worker does not exceed \$50; and
 - (v) the goods or materials being transported are not owned (and have not been previously owned) by the driver or rider (as the case may be), or by the employer;
- (f) performing as a singer, dancer, musician, ventriloquist, acrobat, juggler, comedian or other entertainer at a hotel, discotheque, restaurant, dance hall, club, reception house or other similar venue, but excluding work as an actor, model or mannequin, or as any other type of entertainer, in performing as part of a circus, concert recital, opera, operetta, mime, play or other similar performance, where—
- (i) the work is performed by one person to the contract, arrangement or understanding (the worker) in the course of or for the purposes of a trade or business carried on by another person to the contract, arrangement or understanding (the employer); and
 - (ii) the work is performed personally by the worker (whether or not the worker supplies any tools, plant or equipment); and
 - (iii) the worker does not employ any other person to carry out any part of the work; and

- (iv) the value of any materials supplied, or reasonably expected to be supplied, by the worker does not exceed \$50.

(2) For the purposes of subregulation (1)—

- (a) the value of any tool, plant or equipment owned or leased by a worker is the price that, at the time that the worker enters into the relevant contract, arrangement or understanding, the worker would reasonably be expected to pay if the worker were to purchase an equivalent, unused, tool or item of plant or equipment; and
- (b) a vehicle will not be taken to be used for work purposes if its sole or principal use is to transport the worker, and any tools, plant or equipment, to any work site.

(3) If—

- (a) a licensed gas fitter is engaged by Boral Energy Limited to perform building work; and
- (b) the licensed gas fitter supplies materials for the purposes of that work,

that work is not included in the classes of work prescribed by subregulation (1).

(4) If—

- (a) a person performs work as an outworker; and
- (b) any aspect of that work is governed by an award or industrial agreement that is expressed to apply to outworkers (or a specified class or classes of outworkers),

that work is prescribed work for the purposes of the definition of "**contract of service**" in section 3(1) of the Act.

(5) Subject to subregulation (6), the work of a minister, priest or other member of a religious order is a prescribed class of work for the purposes of the definition of "**contract of service**" in section 3(1) of the Act.

(6) Pursuant to section 3(7) of the Act, the following persons are excluded from the application of the Act:

- (a) a minister ministering within The Anglican Church of Australia in South Australia; or
- (b) a priest or other member of a religious order ministering within the Catholic Church of South Australia; or
- (c) a pastor ministering within the Lutheran Church of Australia South Australia District Inc.;
or
- (d) an ordained minister, deaconess or lay pastor of The Uniting Church in Australia ministering in South Australia in an approved placement under the "Classification of Ministers" of that Church; or
- (e) an officer of The Salvation Army appointed in South Australia under the orders and regulations for officers of The Salvation Army.

(7) The work of a Review Officer appointed under the Act is prescribed work for the purposes of the definition of "**contract of service**" in section 3(1) of the Act (and, for the purposes of the application of the Act to such a Review Officer as a worker, the Crown will be taken to be his or her employer).

(8) For the purposes of the definition of "**local government corporation**" in section 3(1) of the Act, all controlling authorities constituted under the *Local Government Act 1934* are prescribed as being within this definition.

(9) For the purposes of the definition of "**prescribed allowance**" in section 3(1) of the Act, any contribution to a superannuation scheme paid or payable by an employer on behalf of or for the benefit of a worker is prescribed as being within this definition.

(10) For the purposes of section 3(6) of the Act, a prescribed circumstance is where a person (the principal) contracts with another person (the contractor) who is not registered as an employer under the Act.

(11) Pursuant to section 3(7) of the Act, but subject to subregulation (11), a worker who is employed by an employer to participate as a contestant in a sporting or athletic activity (and to engage in training or preparation with a view to such participation, and other associated activities) is, in relation to that employment, excluded from the application of the Act.

(12) Subregulation (11) does not apply to—

- (a) a person authorised or permitted under the *Racing Act 1976* to ride or drive in a race as defined in that Act; or
- (b) a boxer or wrestler employed or engaged for a fee to take part in a boxing or wrestling match.

(13) A person ("the driver") who is employed or engaged by another ("the principal") to transport goods or materials (including money) by motor vehicle in the course of or for the purposes of a trade or business carried on by the principal is excluded from the application of this Act if—

- (a) the motor vehicle is a commercial motor vehicle; and
- (b) the motor vehicle is owned, leased or hired by the driver; and
- (c) the motor vehicle is not owned by, leased from or hired out by, or otherwise supplied by (directly or indirectly)—
 - (i) the principal; or
 - (ii) a third person who is related to the principal; and
- (d) the goods or materials are not owned (and have not been previously owned) by the driver or by the principal.

(14) For the purposes of subregulation (13), a principal and another person will be taken to be related if—

- (a) they are employer and employee; or
- (b) the other person is accustomed or under an obligation (whether formal or informal) to control the use of the relevant motor vehicle in accordance with the directions or determinations of the principal.

(15) Pursuant to section 3(7) of the Act, a person to whom the *Seafarers Rehabilitation and Compensation Act 1992* of the Commonwealth applies is excluded from the application of the Act.

Evidentiary provision

6. Pursuant to section 31(3) of the Act, the operation of section 31(2) of the Act is extended to the following disability and type of work:

Description of Disability	Type of work
Mesothelioma	Any work involving exposure to inhalation of asbestos fibres

Claims for compensation

7. (1) For the purposes of section 52(1)(c) of the Act, the form of a certificate by a recognised medical expert that must support a claim for compensation is the form set out in schedule 1 completed in accordance with the instructions contained in that schedule.

(2) For the purposes of section 52(5)(b) of the Act, the statement required to be forwarded to the Corporation with a copy of a claim for compensation must be in the form set out in schedule 2—

- (a) completed in accordance with the instructions contained in that schedule; and
- (b) containing the information required by that schedule.

(3) A form referred to in subregulation (1) or (2) may be provided in electronic form according to a determination made by the Corporation and published in the *Gazette*.

Registration of employers

8. (1) If—

- (a) a person (the employer) employs one or more persons (the workers) under a contract of service or contracts of service; and
- (b) the workers are not employed for the purposes of a trade or business carried on by the employer; and
- (c) the total remuneration payable by the employer to the workers does not exceed—
 - (i) in 1999—\$7 800;
 - (ii) in a subsequent year—an amount (calculated to the nearest multiple of \$100) that bears to \$7 800 the same proportion as the Consumer Price Index for the September quarter of the immediately preceding year bears to the Consumer Price Index for the September quarter, 1998,

the employer is not, in respect of those workers, required to be registered under section 59 of the Act (and the remuneration paid to those workers need not be included in any return furnished to the Corporation under section 69 of the Act).

(2) The employers who are not required to be registered under section 59 of the Act by virtue of subregulation (1) are, in respect of the workers referred to in subregulation (1), a prescribed class of employers exempt from the operation of section 46(3) of the Act.

Exempt employers

9. For the purposes of section 60(2) of the Act, the prescribed number of workers to be employed by an individual employer or a group of employers making an application for registration as an exempt employer or group of exempt employers is 200.

Agencies of the Crown

10. Pursuant to section 61(4) of the Act, the bodies listed in schedule 6 are prescribed for the purposes of the definition of "agency or instrumentality of the Crown" under section 61 of the Act.

Registration

11. (1) For the purposes of section 62 of the Act—

- (a) an application for registration as an employer, exempt employer or group of exempt employers; or
- (b) an application to amend any registration details; or
- (c) an application to provide additional location details to the Corporation,

must be in a form set out in schedule 3—

- (d) completed in accordance with the instructions contained in that schedule; and
- (e) containing, or accompanied by, the information required by that schedule.

(2) A form referred to in subregulation (1) may be provided in electronic form according to a determination made by the Corporation and published in the *Gazette*.

(3) Pursuant to section 62(2) of the Act, a fee of \$5 000 plus \$5 for each worker employed by the employer, or group of employers, at the time of the application is fixed as the fee that must accompany an application for registration as an exempt employer, or group of exempt employers.

(4) However—

- (a) if the applicant is an employer who is taking over, or who has within the preceding period of 12 months before the date of application taken over, an activity undertaken by the Crown or an agency or instrumentality of the Crown and who, at the same time, is taking over, or has taken over, the employment of various workers engaged in that activity then—
 - (i) if that activity is the sole activity undertaken by the employer within the State—no fee is payable under subregulation (3);

- (ii) in any other case—there will be a proportionate reduction in the fee that is otherwise payable under subregulation (3) according to the proportion that the activity that is being taken over, or that has been taken over, bears to all activities undertaken by the employer within the State; and
- (b) if the applicant is an employer who has, within the preceding period of two months before the date of application, ceased to be an exempt employer by virtue of a proclamation under section 61(2) of the Act then no fee is payable under subregulation (3); and
- (c) the maximum fee payable under subregulation (3) is \$20 000.

Terms and conditions applicable to exempt employers

12. The registration of an employer as an exempt employer (or as one of a group of exempt employers) is subject to the terms and conditions prescribed in schedule 4.

Remission of levy

13. Pursuant to subsection (12) of section 66 of the Act, the following are prescribed as circumstances where the Corporation may remit the levy payable by an employer under that section:

- (a) if the employer, with the approval of the Corporation, makes a payment of levy in advance on the basis of estimates of the annual levy that would be payable by the employer under the Act; or
- (b) if the Corporation considers that administrative savings are being made (or will be made) on account of the employer managing claims made by workers who suffer compensable disabilities in the employment of the employer.

Minimum levy

14. Pursuant to section 66(13) of the Act, the prescribed minimum levy is \$50.

Returns by employers

15. (1) For the purposes of section 69(1) of the Act, if a return is the first return furnished to the Corporation after the end of a financial year, the employer must, in relation to each class of industry in which the employer employs workers, include the following information—

- (a) the aggregate remuneration paid to the employer's workers in that industry during that financial year;
- (b) an estimate of the aggregate remuneration that the employer expects to pay to the employer's workers in that industry during the ensuing financial year.

(2) For the purposes of section 69(3) of the Act, if the Corporation requires that a person with accounting qualifications verify the information contained in a return, that person must be—

- (a) a registered company auditor; or
- (b) a member of The Institute of Chartered Accountants in Australia; or
- (c) a member of the Australian Society of Accountants.

Penalty for late payment of levy

16. For the purposes of section 71(1) of the Act, the rate of penalty interest on an amount in arrears is 5 per cent per annum plus the prime bank rate for the financial year in which the notice of an amount in arrears is given.

Volunteers

17. (1) In this regulation—

"volunteer fire-fighter" means—

- (a) a member of the C.F.S.; or
- (b) a fire control officer under the *Country Fires Act 1989*; or
- (c) a person who, at the request or with the approval of a person who is apparently in command pursuant to the *Country Fires Act 1989*, at the scene of a fire or other emergency, assist in fire-fighting or dealing with the emergency,

who receives no remuneration in respect of his or her service in that capacity.

(2) For the purposes of section 103A of the Act—

- (a) volunteer fire-fighters are prescribed as a class of persons under that section; and
- (b) the following activities are prescribed as a class of work:
 - (i) any activity directed towards—
 - preventing, controlling or extinguishing a fire;
 - dealing with any other emergency that requires the C.F.S. to act to protect life or property;
 - (ii) attending in response to a call for assistance by the C.F.S.;
 - (iii) attending a C.F.S. meeting, competition, training exercise or other organised activity;
 - (iv) carrying out any other function or duty under the *Country Fires Act 1989*.

Insurance for employers against liabilities apart from the Act

18. For the purposes of section 105 of the Act, the terms and conditions to the insurance provided under that section to employers by the Corporation are set out in schedule 5.

Expiation of certain offences

19. (1) Pursuant to section 122A of the Act, the following amounts are fixed as expiation fees in respect of offences against the following sections:

SECTION	EXPIATION FEE
Section 59—Failing to register as an employer within the time allowed under that section	<p>(a) \$360 indexed;</p> <p>or</p> <p>(b) 5% of the aggregate remuneration paid to the employer's workers during the period for which the employer is in breach of the section,</p> <p style="text-align: center;">whichever is the greater.</p>
Section 69(5) in respect of the offence of failing to furnish an Annual Declaration within the time required under section 69	\$120 indexed

(2) For the purposes of this regulation, a fee under subregulation (1) that is expressed to be indexed will be adjusted on an annual basis (according to calendar years) beginning on 1 January 2000 so that the fee payable in respect of an offence committed on or after that date will be an amount (calculated to the nearest multiple of \$10) that bears to the relevant fee prescribed by subregulation (1) the same proportion as the Consumer Price Index for the September quarter of the year immediately preceding the year of the offence bears to the Consumer Price Index for the September quarter, 1998.

(3) In this regulation—

"**Annual Declaration**" means a return containing the information required by regulation 15 that must be furnished by an employer to the Corporation after the end of each financial year;

"**remuneration**" has the same meaning as under Division 4 of Part 5 of the Act (but does not include remuneration paid to any worker in respect of whom an employer is not required to be registered under section 59 of the Act).

Interest payable under transitional provisions

20. (1) For the purposes of clause 2(4) of schedule 1 to the Act, the rate of interest will be the prime bank rate for the financial year in which the employer receives notification of a payment under that clause.

(2) For the purposes of clause 2(11) of schedule 1 to the Act, the rate of interest will be the prime bank rate for the financial year in which the amount in respect of which interest is payable is paid to the Corporation.

Transitional provision

21. Despite regulations 3 and 7, a certificate in the form prescribed by schedule 1 of the *Workers Rehabilitation and Compensation (Claims and Registration) Regulations 1987* before revocation of those regulations by these regulations may continue to be used for the purposes of the Act after the commencement of these regulations.

SCHEDULE 1



South Australian Workers Compensation

Doctors Copy

36200 XX

Prescribed Medical Certificate

PLEASE PRINT LEGIBLY

Family name: _____ Other names: _____

Date of birth: ____/____/____ Stated date of injury: ____/____/____

Employer: _____

The worker's stated cause for this disability/disease is: _____

After examining the worker, it is my opinion that he/she is suffering from: _____

I consider that the disability/disease is consistent with the stated cause Yes No

In my opinion the worker is:

fit to return to pre-injury workplace duties on ____/____/____

fit to return to modified/other duties from ____/____/____ to ____/____/____ with the following restrictions: _____

unfit for work, from ____/____/____ to ____/____/____

Please tick all relevant statements:

I have personal knowledge of the worker's workplace Yes No

I have discussed with the employer the kinds of work that might be appropriate for the worker in view of the disability Yes No

I have referred the worker to (eg medical specialist, other health professional): _____

Name of person referred to: _____

I will reassess this worker Yes, on ____/____/____ or no further review required

Other comments: _____

I certify that I have examined/seen this worker on ____/____/____

at _____ AM / PM

Signed: _____

Date of certificate: ____/____/____

Name of doctor:
Address:
Telephone:
Facsimile:
Provider No:
E-mail:

WHAT HAPPENED?

Please read the examples below before completing

What was the worker doing at the time?

What led to the injury or disease?

What exactly caused the injury or disease?
Give the name of any chemical, object, process or equipment involved

EXAMPLES:

What led to the injury or disease?	What exactly caused the injury or disease?
long term vibration caused steam pipe to fracture	▶ escape of steam burned arm
cast iron chip flew from grinder	▶ chip flew into unprotected eye
foot slipped on wet rung of metal ladder	▶ fell 2 metres to concrete floor
repeatedly lifting 16kg bags of cement from pallet to trolley	▶ felt sudden pain in lower back

OTHER DETAILS

Give details of other circumstances which would assist your Claims Management Agent to assess the claim.
(e.g. Do you query the validity of the claim? If so, why?)

In my opinion

COMPENSATION PAYMENTS - (For Non-Exempt Employers ONLY)

What was the worker's gross weekly wage at the time of the injury or disease? \$ _____

Does this amount include any allowances? Yes No
If yes, provide details:

Does the worker normally work overtime or shiftwork?
Yes No

State/Federal Award Apprentice/Trainee

It is expected that an employer will make weekly compensation payments to the worker in accordance with advice from their Claims Management Agent and will then be reimbursed by them in special circumstances the Claims Management Agent will organise weekly compensation payments direct to the worker.

If you request this alternative, please state your reason:

"FIRST TWO WEEKS" PAYMENT - (For Non-Exempt Employers ONLY)

Have you previously made any weekly compensation payments to the worker during the current calendar year?
Yes No

If yes, then please give details of the amount(s) and date(s)

EMPLOYER DECLARATION

I

the undersigned, declare that the details above are true and correct to the best of my knowledge and belief, and I understand that providing a false or misleading statement is an offence.

Date

Signature of Employer (or authorised person)

For "immediately notifiable work related injuries" only (see notes on the front):

Department for Industrial Affairs notified on (date)

Regional Office

**SCHEDULE 3
PART 1**



EMPLOYER REGISTRATION FORM

**YOU MUST REGISTER WITHIN 14 DAYS OF EMPLOYING
TO AVOID A PENALTY OR EXPIATION FEE.**

**IF YOU ARE REGISTERING AFTER THE 14 DAY PERIOD,
PLEASE SUPPLY REASON(S) (IN WRITING) FOR LATE REGISTRATION.**

Use this form to register as an employer in respect of workers in employment to which the Workers Rehabilitation and Compensation Act, 1986 applies as well as for Occupational Health, Safety and Welfare purposes.

If there is more than one location where workers are employed, you will need to fill out an 'Additional Location Details' form for each extra location (available at Post Offices in South Australia).

PLEASE NOTE:

A minimum levy of \$30.00 per financial year applies.

HELP:

For assistance in filling out this form contact WorkCover Corporation on (08) 8233 2222 – country callers 1800 188 000 (Toll Free), Interstate callers 1800 888 508 (Toll free).

An Interpreter service is available.

Do you employ any worker who is (or is to be) usually employed outside South Australia?

No Yes

Please note: Workers who usually work in another State or Territory may not be covered under the South Australian legislation. You should consider also arranging cover in the appropriate State or Territory.

Do you understand your responsibilities and obligations under the Occupational Health, Safety and Welfare Act, 1986? Would you like information on occupational health, safety and welfare sent to you? Yes

All employers are liable for the first two weeks wages for an injured worker per calendar year. This liability can be removed by paying additional levy (minimal) per annum.

Do you wish to take this option?

Buy out option Yes

Payment Options

WorkCover Corporation offers flexible payment methods that are designed to save you time and money. For more information just tick the box and we will forward a brochure and application form.

Yes

Please complete the form in **BLOCK LETTERS** using a pen

1. Full name(s) of employer

The employer is usually a sole-trader, a partnership, an associateship, a company, a trustee or an association. For an individual, partnership or associateship, list the family names first, followed by the other names.

The employer's name is not necessarily the same as the trading name. For example, in the case of John Peter Smith trading as ABC Retail, ABC Retail is the trading name, but *John Peter Smith* is the employer.

2. Tick one box to show the type of employer

Sole proprietor (one person)

Partnership or associateship (more than one person or organisation)

Private Company

Give the Australian Company Number

--

Other

(Describe)

--

Office use only	Date form received:	Registration No:	SAWIC Code:
	<input type="text"/>	<input type="text"/>	<input type="text"/>

Continued on next page

3. Company Directors
 Give FULL names (including middle names) of all directors.
 If more attach list.
 Indicate Working or Non-Working Director by ticking the appropriate box.

Surname	Given Names	Working Director	Non-Working Director

4. Any other registrations
 Please list ALL other businesses in which the employer listed in Q1, or directors listed in Q3 are currently or have been previously involved in the past 5 years.
 If more attach list.

Name:	WorkCover Registration number (if applicable)

5. Trust
 Is the employer appointed as a trustee of a trust?
 If so, state the name of the trust.

--

6. Registered Business or Trading Name
 (if applicable)

--

7. Mailing details
 The name and address to which you want your WorkCover Corporation correspondence sent.

Postcode

8. Contact person
 Details of the person we should contact if we have any questions about your REGISTRATION or your LEVY PAYMENTS.

Name	M
Position/Title	
Telephone	(STD) Mobile
Fax Number	(STD)

9. Accountant
 Should we contact them with all queries?
 Yes No

Name	M
Telephone	(STD)

10. Address where the employer's business records can be examined

This must be a street address, an accountant's name and address, or a farm location (not a post office box number)

Postcode	
Telephone	(STD) Mobile
Fax Number	(STD)

Continued on the next page

MAIN LOCATION DETAILS (For additional locations, use 'Additional Location Details' form.)

11. Why are you registering this location/business?

(Please tick one box only)

- Purchased existing location
- Purchased existing business
- Takeover
- Merger
- Changed legal status
- Set up your own new business/location
- Other Give details

If you have purchased an existing location, changed legal status or merged, please give us the following information:

Previous employer name

Their WorkCover Corporation Registration Number(s)

Location Number(s) Telephone Number
 (STD)

12. At how many locations are workers employed?

Each site where an employer controls or directs workers on a relatively permanent basis is a location.
 (Temporary sites away from a base are not regarded as locations, eg building sites.)

13. When did/will you start employing at this location?

Date: / /

14. Address of main location

Please give the full address (not a post office box).
 For farms, include the road name, or if no road name, the Sections and Hundreds.
 (For workers working on various sites or locations, only a base location is required.)

Postcode

15. Trading name used by the employer at this location (if applicable)

16. Contact person at this location
 Give details of the person WorkCover Corporation should talk to if we have any questions about the location (not your Accountant/Solicitor).

Name	M	
Position/Title		
Telephone	(STD)	Mobile
Fax Number	(STD)	

17. Business of employer at this workplace/location
 This information will help us to assign the correct industry classification which determines the levy rate.

- (a) What is the ONE MAIN TYPE of goods produced or service provided by the business at this location?
- (b) Describe the different types of work (activities) carried out at this location
 If you need more space, please attach a sheet.

Continued on the next page

18. Give details of the NUMBER of workers who will be or are employed in each occupation at this location. Include working directors. Do not include people listed as the employer (i.e. partners or sole-proprietors). Estimate the total gross wages, benefits and other payments which will be paid to workers at this location for a 12 month period.
 (This estimate is used to work out how much levy you might pay and how often you are required to pay.)

Occupation	Full-time (35 hrs or more a week) Includes permanent, casual and seasonal	Part-time (less than 35 hrs a week) Includes permanent, casual and seasonal	Gross wages & Superannuation (including leave payments, directors fees, other allowances and benefits.)
Total Gross Wages			

19. Claims Agents
 WorkCover Corporation claims are handled by the following Claims Agents.
 Please tick the box of the agent you wish to select.

- CGU Workers Compensation (SA) Pty Ltd
- HIH Workers Compensation (SA) Pty Ltd
- Mercantile Mutual Insurance (SA Workers Compensation) Ltd
- MMI Workers Compensation SA (Ltd)
- Royal & Sun Alliance Workers Compensation Services (SA) Ltd
- WorkCover Corporation to randomly select

You will have one opportunity to change agents each year by advising WorkCover Corporation in writing by 1 June. The change will be effective from 1 July.
 In the event of a claim, please submit the claim forms direct to your Claims Agent not to WorkCover Corporation.

Declaration
 Before completing this declaration, please make sure you have answered each question as it applies to your business and have attached any 'Additional Location Details' forms or any other attachments.

I declare that the information I have given on this form and any attached sheets is complete and correct.

To provide false or misleading information is a serious offence under the Workers Rehabilitation and Compensation Act, 1986 which can involve you incurring a significant penalty of up to \$50,000.

Signature of employer,
 Public Officer or authorised person

Date-

/ /

RETURN THIS FORM TO WORKCOVER CORPORATION:
 GPO Box 2668 OR Reception OR Fax
 Adelaide SA 5001 100 Waymouth St (08) 8233 2990
 Adelaide SA 5000

Name

(Block letters)



EMPLOYER REGISTRATION AMENDMENT

(Changes to your registration should be forwarded to WorkCover within 14 days)

- Change details of your business – go to **Part A**
- Moving business from a currently registered location to a new location – go to **Part B**
- Cancellation of location(s) or entire registration – go to **Part C**

RETURN ADDRESS

Please complete the form in **BLOCK LETTERS** using a pen and forward to WorkCover by:

- Post: • WorkCover
GPO Box 2668
Adelaide SA 5001
- Fax: • (08) 8233 2990
- Hand: • Reception
100 Waymouth St
Adelaide

Use this form to tell WorkCover Corporation about any of the above.

If you have purchased or established an additional location which you have not previously registered, you should use the form 'Additional Location Details'.

Amendments will only be accepted if the declaration is signed by the employer, a public officer or an authorised person.

If you need more space to answer questions, attach a sheet giving the required details.

If you need help to fill in this form, ring (08) 8233 2222; country callers ring 1800 188 000

- Full registered employer name
(as shown on your WorkCover Certificate)

- Employer number

--

Declaration

I declare that the information I have given in this form is complete and correct.

Signature of employer, public officer or authorised person

--

Date

	/		/	
--	---	--	---	--

Full name of the person who signed this declaration

Position/Title

Continued on the next page

Part A – Change details of your business

1. What is the DATE OF EFFECT for the change(s) you wish to tell us about? / /

Now complete only those questions 2 to 7 in Part A for which your details have changed.

2. Change of type of business carried out

If you have changed your business activity/ industry at any location, tick this box:

Please attach a brief explanation of type of business now carried out including the number of Full time workers and remuneration paid in each type of activity if more than one type of industry is carried out.

An officer from WorkCover will be in contact to discuss the new type of business.

3. Change of employer name, type of employer (legal entity), director or company number

• For companies only: PLEASE ATTACH a copy of the Australian Securities Commission or Corporate Affairs certificate to certify the change of name.

(a) Tick one box to show the type of employer:

Now to be registered with WorkCover as

- Sole Proprietor
- Partnership
- Public/Private company
- Other

New employer name (in full)

(b) Change of Partners/Directors

Incoming partners/directors (full names)

Outgoing partners/directors (full names)

(c) Change of Australian Company Number

New number

4. New business/trading name

5. New mailing details

Give the new name and address to which you want your WorkCover correspondence sent.

Postcode

6. New contact person

Name	M	
Telephone	(STD)	Mobile
Fax number	(STD)	

7. New business records address

Please give the full address (not post office box).
For farms include the road name, or if no road name, the Sections & Hundreds.

		Postcode
Telephone	(STD)	Mobile
Fax number	(STD)	

Part B – Moving location address**1. Moving business from a currently registered location to a new location**

Location number	
New location address	
	Postcode

If the business activity or industry has changed, please attach details (refer Part A Q2)

2. Change to contact details for the location

Contact name		Location number	
Telephone	(STD)	Mobile	
Fax number	(STD)	Trading name	

3. Revised estimate of total gross wages

Revised estimate of total gross wages, benefits and other payments which will be paid to your workers for the current financial year. This includes employer's superannuation contributions, leave payments and other allowances and benefits.

\$	
----	--

Continued on the next page

Part C – Cancellation of location(s) or registration

1. Do you wish to:

Cancel your entire registration

On what date did the business cease employing workers?

Maintain your existing registration but cancel one or more locations

Location numbers of those locations you wish to cancel

Date employment ceased at this location

<input type="text"/>	<input type="text" value="/ /"/>
<input type="text"/>	<input type="text" value="/ /"/>
<input type="text"/>	<input type="text" value="/ /"/>

2. Why do you wish to cancel your registration/location(s)?

Business/location sold

Business/location merged

Employer bankrupt or liquidated

Employer deceased

Ceased employing

• Who was it sold to/merged with

Name

Address

Postcode

Telephone (STD)

Mobile

• Do you still conduct any business in which you employ workers? No Yes

If yes and the location needs to be registered you will need to complete an Additional Location form or complete Part B of this form.

Other Please give details

3. What is your future forwarding address?

Postcode

Telephone (STD)

Mobile

Fax number (STD)

4. Please detail below the Total Remuneration for the cancelled location(s) or registration for the current financial year for which you were employing.

Location No.	Period of Operation (this financial year)	Total Remuneration (refer definition)	Levy Rate	Calculated Levy Due
	to	\$ -00	%	\$ -
	to	\$ -00	%	\$ -
	to	\$ -00	%	\$ -
	to	\$ -00	%	\$ -
	to	\$ -00	%	\$ -

TOTAL LEVY DUE \$ -
 LESS LEVY PAID \$ -
 BALANCE \$ -

*Minimum Levy \$50.00 per registration



ADDITIONAL LOCATION DETAILS

YOU MUST REGISTER NEW LOCATIONS WITHIN 14 DAYS OF EMPLOYING

This form is for an employer to add a location to an existing registration where the location has just been purchased or established.

If you have moved business from a currently registered location to a new location, or closed a business or location use the form 'Employer Registration Amendment' instead or contact your Customer Service Officer.

Please complete the form in **BLOCK LETTERS** using a pen

WorkCover Employer Number

Do you employ any worker who is (or is to be) usually employed outside South Australia? No Yes

Please note: Workers who usually work in another State or Territory may not be covered under the South Australian legislation. You should consider also arranging coverage in the appropriate State or Territory.

1. Why are you registering this location/business?
(Please tick one box only)

- Purchased existing location
- Purchased existing business
- Takeover
- Merger
- Changed legal status
- Set up your own new business/location
- Other Give details →

If you have purchased an existing location, changed legal status or merged, please give us the following information:

Previous employer name

Their WorkCover Corporation Registration Number(s)

Location Number(s) Telephone Number
 (STD)

2. When did/will you start employing at this location?

Date: / /

3. Address of location

Please give the full address (not a post office box). For farms, include the road name, or if no road name, the Sections and Hundreds. (For workers working on various sites or locations, only a base location is required.)

Postcode

4. Trading name used by the employer at this location (if applicable)

5. Contact person at this location
Give details of the person WorkCover Corporation should talk to if we have any questions about the location (not your Accountant/Solicitor)

Name	M	
Position/Title	<input style="width: 100%;" type="text"/>	
Telephone	(STD) <input style="width: 100px;" type="text"/>	Mobile <input style="width: 100px;" type="text"/>
Fax Number	(STD) <input style="width: 100px;" type="text"/>	

Office use only	Date form received: <input style="width: 100%;" type="text"/>	Registration No: <input style="width: 100%;" type="text"/>	SAWIG Code: <input style="width: 100%;" type="text"/>
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6. Business of employer at this workplace/location
This information will help us to assign the correct industry classification which determines the levy rate.

- (a) What is the ONE MAIN TYPE of goods produced or service provided by the business at this location?

- (b) Describe the different types of work (activities) carried out at this location
 If you need more space, please attach a sheet.

7. Give details of the NUMBER of workers who will be or are employed in each occupation at this location.
 Include working directors. Do not include people listed as the employer (i.e. partners or sole-proprietors).
 Estimate the total gross wages, benefits and other payments which will be paid to workers at this location for a 12 month period.
(This estimate is used to work out how much levy you might pay and how often you are required to pay.)

Occupation	Full-time (35 hrs or more a week) Includes permanent, casual and seasonal	Part-time (less than 35 hrs a week) Includes permanent, casual and seasonal	Gross wages & Superannuation (including leave payments, directors fees, other allowances and benefits.)
Total Gross Wages			

DECLARATION

Before completing this declaration, please make sure you have answered each question as it applies to your business and have attached any 'Additional Location Details' forms or any other attachments.

To provide false or misleading information is a serious offence under the Workers Rehabilitation and Compensation Act, 1986 which can involve you incurring a significant penalty of up to \$50,000.

I declare that the information I have given on this form and any attached sheets is complete and correct.

Signature of employer,
Public Officer or authorised person

Date

Name

(Block letters)

RETURN THIS FORM TO WORKCOVER:

WorkCover WorkCover Reception Fax to WorkCover
 GPO Box 2668 OR 100 Waymouth St OR (08) 8233 2990
 Adelaide SA 5001 Adelaide SA 5000

PART 2**ADDITIONAL INFORMATION THAT MUST ACCOMPANY AN APPLICATION
FOR REGISTRATION AS AN EXEMPT EMPLOYER OR GROUP OF
EXEMPT EMPLOYERS***Financial information***1. The applicant must provide—**

- (a) a copy of the audited financial statements of the applicant for the last five financial years immediately preceding the application;
- (b) a statement, prepared by an actuary, of the liabilities that an employer would be undertaking over the first 12 months if the applicant were registered as an exempt employer;
- (c) details of the financial guarantee or other security arrangements, and the contract of insurance, that the applicant would obtain for the purposes of schedule 4 if the applicant were registered as an exempt employer.

*Claims administration***2. The applicant must provide a detailed plan of the arrangements that the applicant would implement to administer claims under the Act, which must include details of—**

- (a) the job specifications of the officers who would be responsible for administering the claims; and
- (b) the lines of accountability and control that would apply to those officers; and
- (c) the policies that would be adopted for the rehabilitation of disabled workers; and
- (d) the arrangements that would be implemented for the making of claims under the Act,

and a copy of any form that the applicant would require a claimant to complete must accompany the plan.

*Claims record***3. The applicant must, in relation to the period of five financial years immediately preceding the application, provide details of—**

- (a) the disabilities arising from employment that the applicant's workers have suffered over that period, identifying those disabilities according to—
 - (i) nature and severity; and
 - (ii) cause; and
- (b) the rehabilitation programs that the applicant has provided over that period for disabled workers; and
- (c) the success that the applicant has achieved over that period in returning workers who have suffered disabilities to work.

*Safety policies***4.** The applicant must provide—

- (a) a copy of any safety policy that has been adopted by the applicant;
- (b) details of any programs that the applicant has implemented, or proposes to implement, to train workers in safe working procedures;
- (c) details of the facilities and arrangements that the applicant has for providing first aid to workers;
- (d) details of any safety committees that have been established by the applicant, and a copy of any minutes kept from meetings held by those committees over the period of six months immediately preceding the application.

Details of registered associations

5. The applicant must provide the name of any registered association of which any worker employed by the applicant is a member.

SCHEDULE 4
Exempt Employers
Terms and Conditions of Registration

1. The employer must ensure that forms for making a claim under the Act, in a form approved by the Corporation, are reasonably available to the employer's workers.

2. The employer must ensure that all claims under the Act are promptly and efficiently investigated and determined.

3. The employer must ensure that any benefit to which a worker is entitled under the Act is—

- (a) provided promptly; and
- (b) periodically reviewed in accordance with the Act.

4. (1) The employer must ensure that a prompt assessment is made of whether a rehabilitation program would be of assistance to a worker who has suffered a compensable disability and, if required, ensure that an appropriate rehabilitation program is provided for the worker.

(2) If the Corporation considers that an appropriate rehabilitation program is not being provided to a worker who has suffered a compensable disability, the employer must—

- (a) allow the Corporation to establish a rehabilitation program for the worker; and
- (b) reasonably co-operate with any rehabilitation adviser in the implementation of that program.

5. The employer must ensure, so far as is reasonably practicable, that up to date programs that are designed to prevent or reduce the incidence of compensable disabilities are established and maintained at places where the employer's workers work.

6. The employer must, as soon as practicable after the receipt of a claim under the Act, estimate the employer's expected liability on the claim.

7. (1) In this clause—

"reporting period" means a period of seven days or such longer period, not exceeding 14 days, agreed between the Corporation and the relevant employer from time to time.

(2) The employer must, in respect of each reporting period, provide the following information to the Corporation:

- (a) Employer details:
 - (i) the name of the employer;
 - (ii) the name used by the employer at the location to which the report relates;
 - (iii) the Employer Registration Number;
 - (iv) the relevant Location Number;
 - (v) the relevant Location Address;
- (b) Particulars relating to each new claim received by the employer during the reporting period:
 - (i) the claim number assigned by the employer;
 - (ii) the full name of the worker;

- (iii) the sex of the worker;
 - (iv) the date of birth of the worker;
 - (v) the language usually spoken at home by the worker;
 - (vi) the worker's country of birth;
 - (vii) whether the worker is employed on a full time or part time basis by the employer;
 - (viii) whether the worker is employed on a permanent or casual basis by the employer;
 - (ix) the occupation of the worker at the time of the disability (including, if the worker is an apprentice, making specific reference to that fact);
 - (x) the main tasks usually performed by the worker in the stated occupation;
 - (xi) the normal hours, and days per week, worked by the worker;
 - (xii) the date on which the worker commenced employment with the employer;
 - (xiii) the activity being undertaken by the worker at the time of the occurrence of the disability;
 - (xiv) the date of the occurrence of the disability;
 - (xv) the time of day at which the disability occurred (so far as is known to the employer);
 - (xvi) the date on which the employer was first notified of the disability;
 - (xvii) the apparent cause of the disability;
 - (xviii) a description of the disability;
 - (xix) a statement as to the parts of the worker's body affected by the disability;
 - (xx) the date on which the worker ceased work (if incapacitated for work);
 - (xxi) if relevant, the date of death of the worker;
 - (xxii) an estimate of the costs associated with the claim;
 - (xxiii) the date on which the occurrence of the disability, or the incident that caused the disability, was reported to the Department for Administrative and Information Services (if applicable);
- (c) Particulars relating to each claim that is open during any part of the reporting period:
- (i) the WorkCover reference number;
 - (ii) sufficient details to allow the worker and the claim to be identified;
 - (iii) the status of the claim (e.g., accepted, rejected, undetermined, finalised, reopened);
 - (iv) the total time lost from work by the worker during the relevant period (if any);
 - (v) a date for the resumption of work (if known), and whether on normal or alternative duties;

- (d) Particulars relating to each claim on which action has occurred during the period, including details of any changes and, if relevant, the latest totals of payments in the following categories:
- (i) income maintenance;
 - (ii) medical and other health-care expenses (other than hospital expenses);
 - (iii) hospital expenses;
 - (iv) rehabilitation;
 - (v) lump sum payments for non-economic loss;
 - (vi) payments made under a liability at common law;
 - (vii) redemption payments under section 42 of the Act;
 - (viii) payments for loss of future earning capacity under section 42A of the Act (including relevant start and end dates);
 - (ix) commutation payments under section 44 of the Act;
 - (x) legal costs;
 - (xi) investigative costs;
 - (xii) travel costs;
 - (xiii) other costs;
 - (xiv) amounts recovered from third parties;
- (e) Other information reasonably required by the Corporation.

(3) For the purposes of subregulation (2)—

- (a) the information must be provided in a manner and form (including by electronic means), and at a time, determined by the Corporation;
- (b) the Corporation may, from time to time—
- (i) by notice in writing, waive or postpone the obligation to comply with the requirements of that subregulation, either for an individual exempt employer or for exempt employers of a specified class, subject to conditions (if any) determined by the Corporation;
 - (ii) on giving reasonable notice (by further notice in writing), vary or revoke the operation of a notice under subparagraph (i), or vary, revoke or substitute a condition that applies under that subparagraph.

8. (1) The employer must deliver to the Corporation—

- (a) within the prescribed period after the end of each financial year of the employer—an audited copy of the employer's financial statements for that financial year; and
- (b) within three months after the end of each financial year of the employer—an actuarial report on the outstanding liabilities of the employer under the Act, as at the end of that financial year.

(2) For the purposes of this clause, the financial years of an employer are successive periods, not exceeding 12 months, determined by the employer to be the employer's financial years or, in the absence of such a determination, each period of 12 months ending on the thirtieth day of June.

(3) In this clause—

"prescribed period" means—

- (a) in relation to an employer that is a company incorporated under the *Corporations Law*—the period within which the company must lodge an annual return with the Australian Securities and Investments Commission under that law for the relevant financial year; or
- (b) if paragraph (a) does not apply—three months.

9. (1) The employer must at all reasonable times allow an authorised officer to examine—

- (a) the accounting and other records of the employer; and
- (b) any system or facility used by the employer in connection with acting as an exempt employer under the Act.

(2) The employer must provide such assistance as may be reasonably required to facilitate an examination referred to in subclause (1).

(3) The employer must, at the request of a person carrying out an examination referred to in subclause (1), provide any explanations, information or assistance that the person may reasonably require for the purposes of the examination.

(4) The employer must comply with any written notice served on the employer by an authorised officer requiring the employer to exercise or perform a power or function of the employer under the Act in accordance with the Act.

10. (1) The employer must ensure that there is in force at all times a guarantee given by a financial institution to or in favour of the Corporation which—

- (a) guarantees the payment of an amount to the Corporation in the event that the employer becomes insolvent or ceases to be an exempt employer; and
- (b) complies with subclause (3).

(2) The amount guaranteed by a guarantee entered into for the purposes of subclause (1)—

- (a) must be an amount, at least equal to the prescribed sum, determined by the Corporation to be reasonable for the purposes of this provision after taking into account the principle that a scaling factor of 1.5 should be applied to—
 - an actuarial estimate of the value of the current and contingent liabilities of the employer under the Act at the time of the determination (whether or not claims have been made with respect to those disabilities); plus

- an actuarial estimate of the value of the liabilities of the employer as an exempt employer under the Act in respect of compensable disabilities attributable to traumas expected to arise from employment by the employer over the ensuing period of 12 months; less
- an actuarial estimate of the amounts expected to be paid out by the employer under the Act over the ensuing period of 12 months; and

(b) must be reviewed annually.

(3) A guarantee complies with this subclause if—

- (a) the guarantee is given by a financial institution which has a credit rating at least equal to a standard set by the Corporation for the purposes of this provision and which is specifically approved by the Corporation as a financial institution which can give guarantees under this clause; and
- (b) the guarantee is in a form, and for a term, approved by the Corporation.

(4) A financial institution cannot give a guarantee under subclause (1) if the financial institution and the employer are related corporations.

(5) The Corporation and an employer may agree to enter into and maintain an arrangement that will apply in substitution for a guarantee under this clause if the Corporation is satisfied that the arrangement provides adequate and appropriate security to the Corporation in case the employer becomes insolvent or ceases to be an exempt employer and, in the event of such an agreement, the employer is not (while the agreement remains in force) required to comply with a preceding subclause.

(6) In this clause—

"financial institution" means—

- (a) an ADI; or
- (b) a person whose sole or principal business is the provision of financial services;

"prescribed sum" means—

- (a) in respect of an amount that is to apply to a period that corresponds to, or ends during, 1999—\$520 000;
- (b) in respect of an amount that is to apply to a period that corresponds to, or ends during, a subsequent year—a sum (calculated to the nearest multiple of \$10 000) that bears to \$520 000 the same proportion as the Consumer Price Index for the September quarter of the immediately preceding financial year bears to the Consumer Price Index for the September quarter, 1998;

"related corporations" has the same meaning as in section 60(9) of the Act.

11. The employer must ensure that there is in force at all times a contract of insurance, in a form approved by the Corporation, for an amount approved by the Corporation, in excess of an amount approved by the Corporation, against any liability of the employer that may arise under the Act as a result of the occurrence of one event or series of events during the period of the contract.

12. In relation to an employer that is a company incorporated under the *Corporations Law*—

- (a) the employer must immediately give the Corporation written notice of the commencement of any procedure to liquidate or wind up the employer; and

- (b) the employer must, within five business days, give the Corporation written notice of—
- (i) the commencement of steps to merge or take over the employer or the undertaking of the employer; or
 - (ii) a change in the board of directors of the employer that substantially changes the management of the employer; or
 - (iii) a relocation of the undertaking of the employer; or
 - (iv) the purchase or sale of any asset that materially changes the financial position of the employer, the composition of its workforce or the nature of the work undertaken by its workers; or
 - (v) any other action that significantly affects the employer's ability to meet its liabilities under the Act.

13. The employer must ensure that all documentation that relates to a claim against the employer under the Act is retained for at least six years after the claim is finalised.

14. (1) The employer must, in carrying out its functions under the Act, take into account the racial, ethnic and linguistic diversity of the employer's workforce, the interests of both sexes, and the interests of those who may be physically, mentally or intellectually impaired, and must ensure that those of the employer's workers who are entitled to benefits under the Act are not disadvantaged because of their origins or background, their sex, or some physical, mental or intellectual impairment.

(2) The employer should, as far as reasonably practicable, ensure that information provided for use in the workplace is in a language and form appropriate for those expected to make use of it.

15. This schedule applies to—

- (a) exempt employers who are registered under section 60 of the Act; and
- (b) exempt employers who are deemed to be registered under the Act by virtue of schedule 1 to the Act.

SCHEDULE 5*Section 105—Insurance of Employers
Terms and Conditions***1.** In this schedule—

"claim" means a claim against an employer in respect of which the employer is insured by virtue of section 105 of the Act.

2. If the employer becomes aware of the occurrence of a compensable disability that is likely to give rise to a claim against the employer, the employer must, within five business days, forward to the Corporation written notice of the disability.

3. If a claim is made against the employer, the employer must immediately forward the claim to the Corporation.

4. The employer must provide any assistance that the Corporation reasonably requires to assist the Corporation—

- (a) in investigating, determining, defending or settling a claim;
- (b) in preparing, conducting, defending or settling any proceedings in respect of a claim.

5. The employer must sign any authority or other document required by the Corporation for the purpose of—

- (a) investigating, determining, defending or settling a claim;
- (b) preparing, conducting, defending or settling any proceedings in respect of a claim, (and if the employer fails to sign the authority or other document, the Corporation may do so on the employer's behalf).

6. The employer must not incur any expense, enter into any litigation, make any settlement or admit any liability in respect of a claim without the written authority of the Corporation.

7. The Corporation may, for any purpose related to any liability or potential liability pursuant to section 105 of the Act—

- (a) take over and control any proceedings in respect of a claim on behalf of the employer;
- (b) conduct and defend any proceedings, and, if appropriate, admit liability, in the name of, and on behalf of, the employer;
- (c) settle any claim or proceedings against the employer;
- (d) issue and conduct proceedings in the name of the employer against any other person who may also be liable in respect of the compensable disability.

8. To the extent that the Corporation acts on behalf of the employer in any proceedings, the employer is indemnified by the Corporation against all costs and expenses of or incidental to the proceedings.

9. If at the time of the occurrence of the compensable disability other insurance also covers the liability in respect of which the Corporation provides insurance pursuant to section 105 of the Act, the Corporation is only liable to pay a pro rata share of any amount recoverable from the employer in respect of the disability (and may, if it is appropriate, exercise a right of contribution against any other insurer).

SCHEDULE 6*Section 61—Agencies and Instrumentalities of the Crown*

Aboriginal Health Council.
Adelaide Central Community Health Centre.
Adelaide Convention Centre.
Balaklava and Riverton Districts Health Service Inc.
Barossa Area Health Services Inc.
Booleroo Centre District Hospital Inc.
Bordertown Memorial Hospital Inc.
Burra Clare Snowtown Health Service.
Ceduna Hospital Inc.
Ceduna-Koonibba Aboriginal Health Service Inc.
Central Eyre Peninsula Hospital Inc.
Child and Youth Health.
Cleve District Health and Aged Care Inc.
Coober Pedy Hospital Inc.
Cowell Community Health and Aged Care Inc.
Crystal Brook District Hospital Inc.
Cummins and District Memorial Hospital Inc.
Drug & Alcohol Services Council.
Elliston Hospital Inc.
Eudunda and Kapunda Health Service Inc.
Eyre Regional Health Service Inc.
Fire Equipment Services.
Flinders Medical Centre Inc.
Frontier Services.
Funds SA.
Gawler Health Service Inc.
Gladstone and District Community Health and Welfare Centre.
Hawker Memorial Hospital Inc.
Hills Mallee Southern Regional Health Service.
Homestart Finance
Independent Living Centre.
Institute of Medical and Veterinary Services.
Intellectual Disability Services Council.
Julia Farr Centre.
Kangaroo Island Health Service.
Karoonda & District Soldiers' Memorial Hospital Inc.
Kimba District Hospital Inc.
Kingston Soldiers' Memorial Hospital Inc.
Lameroo District Health Services Inc.
Laura & Districts Hospital Inc.
Leigh Creek South Hospital Inc.
Loxton Hospital Complex Inc.
Meningie & Districts Memorial Hospital and Health Service Inc.
Mid-North Regional Health Service Inc.
Mid-West Health & Aged Care Inc.
Millicent & District Hospital and Health Service Inc.
Minda Inc.
Modbury Hospital Inc.
Motor Accident Commission.
Mt Barker District Soldiers' Memorial Hospital Inc.
Mt Gambier and Districts Health Services Inc.
Naracoorte Hospital & Health Service Inc.
Noarlunga Health Services Incorporated.
North West Adelaide Health Service.
North West Health Services QEH Campus.
Northern Adelaide and Barossa CWMB.

Northern Adelaide Hills Health Service Inc.
Northern and Far Western Regional Health Service Inc.
Northern Metropolitan Community Service.
Northern Yorke Peninsula Regional Health Service Inc.
Office of Catchment Water Management Board.
Onkaparinga CWMB.
Orroroo and District Health Service Inc.
Penola War Memorial Hospital Inc.
Peterborough Soldiers' Memorial Hospital and Health Service Inc.
Pika Wiya Health Service Inc.
Pinnaroo Soldiers' Memorial Hospital Inc.
Planning SA.
Playford Centre.
Port Augusta Hospital and Regional Health Services Inc.
Port Broughton District Hospital and Health Service Inc.
Port Lincoln Health Services Inc.
Port Pirie Regional Health Service Inc.
Quorn & District Memorial Hospital Inc.
Racing Industry Development Authority.
Renmark Paringa District Hospital Inc.
Repatriation General Hospital Inc.
Riverland Health Authority.
Riverland Regional Health Service Inc.
River Murray CWMB
Royal Society for the Blind of SA Inc.
Royal District Nursing Society of SA Inc.
Royal Adelaide Hospital Inc.
S.A. Dental Service.
S.A. Ambulance Service
South Coast District Hospital Inc.
South East CWMB.
South East Regional Health Service Inc.
Southern Domiciliary Care & Rehabilitation Service.
Southern Yorke Peninsula Health Service.
St Margaret's Hospital Inc.
Strathalbyn & District Soldiers' Memorial Hospital and Health Service.
Streaky Bay Hospital Inc.
Tailm Bend District Hospital.
The Jamestown Hospital and Health Service Inc.
The Mannum District Hospital Inc.
The Murray Bridge Soldiers' Memorial Hospital Inc.
The Whyalla Hospital & Health Service Inc.
Tumby Bay Hospital and Health Service Inc.
Waikerie Hospital and Health Services Inc.
Wakefield Regional Health Service.
Women's & Children's Hospital.

REGULATIONS UNDER THE LOCAL GOVERNMENT (ELECTIONS) ACT 1999

No. 242 of 1999

At the Executive Council Office at Adelaide 25 November 1999

PURSUANT to the *Local Government (Elections) Act 1999* and with the advice and consent of the Executive Council, I make the following regulations.

E. J. NEAL Governor

PURSUANT to section 10AA(2) of the *Subordinate Legislation Act 1978*, I certify that, in my opinion, it is necessary or appropriate that the following regulations come into operation as set out below.

IAIN EVANS Minister for Industry and Trade

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29. Voting papers under s. 31 of the Act
30. Scrutineers
31. Counting of votes

SCHEDULE

Prescribed forms

**PART 1
PRELIMINARY****Citation**

1. These regulations may be cited as the *Local Government (Elections) Regulations 1999*.

Commencement

2. These regulations will come into operation on the day on which section 3 of the *Local Government (Elections) Act 1999* comes into operation.

Revocation

3. The *Local Government (How-to-Vote Cards) Regulations 1987* (see *Gazette* 24 December 1986 p. 1956), as varied, are revoked.

Interpretation

4. (1) In these regulations—

"Act" means the *Local Government (Elections) Act 1999*.

- (2) In these regulations, a reference to a form of a particular number is a reference to the form of that number set out in the schedule.

PART 2
ELECTIONS AND POLLS

Declaration of eligibility

5. For the purposes of section 8(2)(b) of the Act, the declaration set out as Form 1 is prescribed.

Application for enrolment

6. For the purposes of section 14(1)(a)(ii) of the Act, the application set out in Form 2 is prescribed.

Nominations

7. (1) For the purposes of section 19(1) of the Act—

- (a) a candidate for election pursuant to section 17(1)(b)(i) of the Act may nominate by delivering or causing to be delivered to the returning officer before the close of nominations a duly completed form in the form set out as Form 3;
- (b) a candidate for election pursuant to section 17(1)(b)(ii) may be nominated by delivering or causing to be delivered to the returning officer before the close of nominations a duly completed form in the form set out as Form 4;
- (c) a candidate for election pursuant to section 17(1)(b)(iii) may be nominated by delivering or causing to be delivered to the returning officer before the close of nominations a duly completed form in the form set out as Form 5;
- (d) a candidate for election pursuant to section 17(1)(b)(iv) may nominate, or may be nominated (as the case requires) by delivering or causing to be delivered to the returning officer before the close of nominations—
 - (i) a duly completed form in the form set out as Form 3, 4 or 5 (depending on whether the candidate is a person whose name has been omitted in error from the voters roll, is a nominee of a body corporate which has had its name omitted in error from the voters roll, or is a nominee of a group of persons who have had their names omitted in error from the voters roll); and
 - (ii) a duly completed form in the form set out as Form 6.

(2) For the purposes of section 19(2)(a) of the Act, the declarations contained in Forms 3, 4 and 5 (as the case requires) are prescribed.

(3) For the purposes of section 19(2)(b) of the Act, the following requirements are prescribed with respect to a profile:

- (a) the profile must be in typed or printed form; and
- (b) the profile must not exceed 150 words; and
- (c) the profile must be accurate and must not—
 - (i) be misleading; or
 - (ii) contain offensive or obscene material; or

- (iii) refer to another person who has nominated as a candidate for election to the council (whether at the same election or any other election to be held on the same day) without the written consent of that person; or
 - (iv) comment on decisions or actions that have been made or taken by the council or on the decisions or actions of past or present members of the council; and
- (d) the profile must be signed and dated by the candidate (but this signature and date will not form part of the profile for the purposes of section 39 of the Act).
- (4) If—
- (a) a profile submitted with a nomination form exceeds 150 words; and
 - (b) the candidate has not reduced the size of the profile to 150 words or less by the close of nominations,

the returning officer will exclude from the profile all words appearing after the 150th word (other than the signature and date).

(5) The returning officer is not responsible for checking the accuracy of any information included in a profile and the returning officer bears no liability with respect to the publication of a profile under the Act and these regulations.

(6) A written consent required under subregulation (3)(c)(iii) must be lodged with the profile.

(7) Nothing in subregulation (3)(c) prevents a profile including declarations of public policy or promises of public action.

(8) For the purposes of section 19(3) of the Act, the following requirements are prescribed with respect to a photograph provided with a profile:

- (a) unless otherwise approved by the returning officer, the photograph must be in black and white format and the same size as an Australian passport photograph; and
- (b) the photograph must only (or predominantly) show the head and shoulders of the candidate; and
- (c) the photograph must have been taken within the preceding period of 12 months; and
- (d) the photograph must bear on its back an endorsement by the candidate to the effect that the photograph is a photograph of the candidate that has been taken within the preceding 12 months.

(9) For the purposes of section 22(1) of the Act, the notice set out as Form 7 is prescribed.

(10) For the purposes of section 22(2) of the Act, the notice set out as Form 8 is prescribed.

Notices

8. For the purposes of section 26(2) of the Act, the form set out as Form 9 is prescribed.

Ballot papers for elections

9. Pursuant to section 29(5) of the Act, a ballot paper for an election must be in a form that complies with the requirements set out in Form 10.

Ballot papers for polls

10. (1) Pursuant to section 33(3) of the Act, a ballot paper for a poll must contain—

- (a) a statement of the proposition being submitted to electors at the poll; and
- (b) two squares—
 - (i) one clearly indicated as the square to be marked by a person who is in favour of the proposition being submitted to electors at the poll; and
 - (ii) one clearly indicated as the square to be marked by a person who is against the proposition being submitted to electors at the poll.

(2) The statement under subregulation (1)(a) will be determined by the relevant council after consultation with the returning officer.

Notice of use of postal voting

11. (1) For the purposes of section 38 of the Act, information to the following effect is prescribed:

- (a) that the specified election or poll will be conducted entirely by means of postal voting and that no polling booth will be open for voting on polling day;
- (b) that voting papers will be issued by post to every natural person, body corporate and group who or which has his, her or its name on the voters roll to be used for the purposes of the election or poll or, at the discretion of the returning officer, by personal delivery to potential voters at certain locations;
- (c) that the voting papers being issued by post should be delivered to persons, bodies corporate and groups on the voters roll not later than a date specified by the returning officer¹;
- (d) that a person who does not receive voting papers but who believes that he or she is entitled to exercise a vote at the election or poll may take specified steps to apply for voting papers.

¹ This date must be consistent with section 39(1) of the Act.

(2) A notice under section 38 of the Act may include other information which may, in the opinion of the returning officer, assist prospective voters to understand the postal voting system and processes under the Act and to participate in the election or poll.

Postal voting papers

12. (1) For the purposes of section 39(1) and (5) of the Act, the declarations set out in Forms 11 and 12 are prescribed (to be used as appropriate).

(2) Pursuant to subsection (3) of section 39 of the Act, envelopes used under subsection (1) of that section for ballot papers sent by post must have an extension to a flap on the back of the envelope that bears the name and address of the natural person, body corporate or group to whom the voting papers are issued.

(3) For the purposes of section 39(6) of the Act, an explanatory notice will be prepared by the returning officer and must outline the steps which a voter must follow in order to comply with the requirements of section 40 of the Act.

Campaign donations returns

13. For the purposes of section 80(2) of the Act, a campaign donations return must be in the form set out as Form 13.

**PART 3
VOTING AT POLLING PLACES**

DIVISION 1—PRELIMINARY

Application of Part

14. This Part applies with respect to an election or poll within the ambit of a determination under clause 2(1) of the schedule of the Act.

Interpretation

15. In this Part—

"**declaration vote**" means a vote that must be accompanied by a declaration under this Part;

"**polling booth**" means a building, structure, vehicle or enclosure, or part of a building, structure, vehicle or enclosure, for taking votes at an election or poll;

"**polling place**" means a place appointed as a polling place under this Part;

"**presiding officer**", in relation to an election or poll, means an electoral officer assigned by the returning officer to be the presiding officer at a polling place and, if the returning officer or a deputy returning officer presides at a polling place, includes the returning officer or deputy returning officer while so presiding.

DIVISION 2—POLLING PLACES

Polling places and booths

16. (1) The returning officer must appoint such polling places as may be considered necessary by the returning officer for the purposes of an election or poll under this Part.

(2) The returning officer may determine that voting at a polling place—

- (a) will be conducted in a polling booth established for that place; or
- (b) will be conducted in a mobile polling booth.

(3) The returning officer will determine the time (being a time not earlier than 8 a.m.) at which a polling booth will open for voting on polling day.

(4) Unless all elections for the area are uncontested, the returning officer must ensure that at least one polling booth is continually open in the relevant area between 8 a.m. and 6 p.m. on polling day.

(5) The returning officer must ensure that each polling booth—

- (a) is properly divided so that voters may mark their votes without the vote being observed; and
- (b) is properly equipped with ballot boxes and other necessary equipment; and
- (c) is properly staffed during the time at which voting may occur.

(6) The returning officer must assign a suitable electoral officer to preside at a polling place while the polling booth is open for voting.

(7) The returning officer must, at least seven days before the day on which voting at a polling place may occur, give public notice of the location of the polling place and the times at which voting may occur.

(8) In cases of emergency, the returning officer may, without giving public notice, appoint a polling place for the purposes of an election or poll in substitution for, or in addition to, a place previously appointed by the returning officer.

(9) In addition to subregulation (8), the times and places for voting at a mobile polling booth may be altered on any reasonable ground—

- (a) by the returning officer publishing in a newspaper circulating in the area of the council no later than the day before polling day another notice advising electors of the alteration of voting times at that place, or of the alteration of the place for voting;
- (b) if there is no such newspaper or circumstances render compliance with paragraph (a) impracticable—by the returning officer or the presiding officer taking such steps as are reasonably practicable to notify electors in the particular locality of the alteration.

(10) Where the times and places for voting at a mobile polling booth in an election are altered under subregulation (9), the returning officer or presiding officer must take reasonable steps to inform candidates at that election of the alteration.

Voting procedure at polling booths

17. (1) Subject to this Part, when a person who is present at a polling booth open for voting claims that he or she is entitled to vote at the election or poll, an electoral officer will ask the person—

- (a) to state—
 - (i) his or her full name; and
 - (ii) unless the person's address is suppressed from the roll—the address of his or her place of residence; and
 - (iii) where applicable—the address of the rateable property within the area of the council in respect of which the entitlement arises; and
- (b) whether he or she has already voted at the election or poll,

and may then ask the person such further questions as the electoral officer considers necessary to establish whether the person is entitled to vote.

(2) If the person—

- (a) refuses to answer fully any question asked under subregulation (1); or
- (b) so answers any such question as to indicate that he or she is not entitled to vote,

the person's claim to vote will be rejected.

(3) A person is not precluded by subregulation (1) from voting at an election or poll in different capacities at different times.

(4) If a person's claim to vote is accepted, the electoral officer will make an appropriate record¹ with respect to the matter and issue an appropriate voting paper or voting papers to the person.

¹ If the person is voting in his or her own right and his or her name and address are on the voters roll, the electoral officer will make this record by ruling a line through the person's name on the roll.

(5) Voting papers issued to a person under this regulation will consist of—

(a) if the person is voting in his or her own right and his or her name and address are on the voters roll—a ballot paper (or, in an appropriate case, ballot papers) in a form that complies with the requirements set out in Form 10 or 14 (as the case requires);

(b) if the person is voting on behalf of a body corporate or group which has its name on the voters roll—

(i) a ballot paper (or, in an appropriate case, ballot papers) in a form that complies with the requirements set out in Form 10 or 14 (as the case requires); and

(ii) an opaque envelope bearing a declaration set out in Form 11 to be completed by the voter;

(c) if the person is claiming an entitlement to vote on the basis that his or her name, or the name of a body corporate or group on whose behalf the person is voting, has been omitted in error from the voters roll—

(i) a ballot paper (or, in an appropriate case, ballot papers) in a form that complies with the requirements set out in Form 10 or 14 (as the case requires); and

(ii) an opaque envelope bearing a declaration set out in Form 12 to be completed by the voter.

(6) A declaration under subregulation (5) must appear on a tear-off extension to the envelope flap.

(7) If a person is issued a ballot paper only, the person must immediately retire to a voting compartment, mark the ballot paper with his or her vote, fold it so as to conceal the vote, and deposit it in a ballot box provided for the purpose of the election or poll.

(8) If a person is issued a ballot paper and an envelope bearing a declaration—

(a) the person must immediately retire to a voting compartment;

(b) the person must then mark the ballot paper with his or her vote;

(c) the person must then fold the ballot paper so as to conceal the vote and place the folded ballot paper in the envelope and seal the envelope;

(d) the person must then ensure that any relevant declaration is signed;

(e) the person must then immediately deposit the sealed envelope in a ballot box provided for the purposes of the election or poll.

(9) An electoral officer is not obliged to check the accuracy of any information provided in a declaration under this regulation (but may do so on a selective, random or other basis determined by the returning officer).

(10) A vote may be admitted to the count notwithstanding that there has been a formal defect or error of the part of a voter in complying with the requirements of this regulation (unless the returning officer is of the opinion that the defect or error is sufficiently significant to warrant the rejection of the vote).

Voter may be assisted in certain circumstances

18. (1) If a person who desires to vote at a polling place is illiterate or physically unable to carry out a procedure under this Division, a person of the voter's choice (being a person of or above the age of majority) may render such assistance as may be necessary in the circumstances and may, if necessary, vote on behalf of the voter in accordance with his or her directions and complete any declaration on behalf of the voter¹.

¹ This subregulation operates subject to section 61.

(2) If the electoral officer presiding at a polling place is satisfied that a voter is unable to enter the polling booth to vote, the electoral officer may allow the voter to vote at or near the polling place outside the polling booth.

(3) An electoral officer must, before issuing voting papers for the purposes of subregulation (2), inform any scrutineers present of the proposed course of action and invite them to be present at the place where voting is to occur.

(4) The electoral officer must ensure that any voting papers used for the purposes of voting under subregulation (2) are placed in a ballot box immediately after voting has been completed by the relevant voter.

Use of ballot boxes

19. (1) Subject to subregulation (2), a ballot box to be used in an election or poll must be kept securely closed and sealed so as to prevent the introduction or removal of any paper or object except—

- (a) when the ballot box is immediately required for the purposes of receiving voting papers; or
- (b) when the voting papers are required for the purposes of scrutiny.

(2) An electoral officer must, before voting papers are first deposited in a ballot box for the purposes of an election or poll, publicly open the ballot box and exhibit it empty.

How-to-vote-cards

20. (1) A candidate may submit how-to-vote cards to the returning officer for display in voting compartments at polling booths.

(2) How-to-vote cards submitted under this regulation—

- (a) must be in a form that complies with the requirements of Form 15; and
- (b) must be submitted in a size and quantity determined by the returning officer; and
- (c) must be received by the returning officer at least 14 days before polling day.

(3) The returning officer will have the how-to-vote cards made into posters for display in voting compartments at any polling booth where voting for the election to which the cards relate may occur and must ensure that the posters are displayed during the hours for voting at that polling booth.

Offences

21. (1) A reference in this regulation to a polling booth extends to other places where voting papers are issued or received.

(2) While voting is in progress at a polling booth, a person must not, within six metres of the entrance of the polling booth, or such lesser distance as may be fixed in a particular case by an electoral officer, solicit the vote of any person or distribute or display electoral material.

Maximum penalty: \$750.

(3) While voting is in progress at a polling booth—

- (a) a person other than an electoral officer must not have possession of a voters roll at the polling booth or make a record of persons voting at the polling booth; and
- (b) an electoral officer must not disclose to another person not being an electoral officer any information as to the persons who have or have not voted at the polling booth.

Maximum penalty: \$2 500.

(4) No person may be present at a polling booth while the booth is open for voting unless the person is—

- (a) an electoral officer who is required to be there; or
- (b) a scrutineer appointed under the Act; or
- (c) a person engaged in voting or about to vote; or
- (d) a person chosen by another person to assist that other person in voting; or
- (e) a person permitted by the presiding officer to be present at the polling booth.

Maximum penalty: \$2 500.

(5) A person who is present at a polling booth in contravention of subregulation (4) may be removed by a member of the police force, or by a person authorised by an electoral officer to remove him or her.

(6) If a person misconducts himself or herself in a polling booth, or fails to obey the lawful directions of an electoral officer—

- (a) the person may be removed from the polling booth by a member of the police force, or by another person authorised by the electoral officer; and
- (b) the person is guilty of an offence.

Maximum penalty: \$1 250.

(7) A person who has been removed from a polling booth under subregulation (6) and who re-enters the polling booth without the permission of the electoral officer presiding at the polling booth is guilty of a further offence.

Maximum penalty: \$2 500.

DIVISION 3—ADVANCE VOTING

Issue of advance voting papers

22. (1) If a person desires to vote at an election or poll under this Part otherwise than by attending at a polling place during voting hours, the person may apply to the returning officer for advance voting papers under this regulation.

(2) Advance voting papers will consist of—

- (a) a ballot paper that complies with the requirements set out in Form 10 or 14 (as the case requires); and
- (b) an opaque envelope bearing a declaration set out in Form 11 or 12 (as the case requires) to be completed by the voter.

(3) A declaration under subregulation (2) must appear on a tear-off extension to the envelope flap.

(4) The returning officer must keep a record of the persons to whom advance voting papers are issued.

(5) Advance voting papers must be available for use at least 21 days before polling day.

Procedures to be followed for voting

23. If a person to whom advance voting papers have been issued desires to vote by use of those papers, the following procedures must be followed:

- (a) the voter must mark the ballot paper with his or her vote;
- (b) the voter must then fold the ballot paper so as to conceal the vote and place the folded ballot paper in the envelope and seal the envelope;
- (c) the voter must then ensure that any relevant declaration is signed;
- (d) the voter must then ensure that the sealed envelope is delivered to an electoral officer (personally or by post) not later than—
 - (i) in the case of a periodic election—12 noon on the first business day after the second Saturday of May in the relevant year;
 - (ii) in any other case—the close of voting on polling day.

Voter may be assisted in certain circumstances

24. If a person who desires to vote by advance voting papers is illiterate or physically unable to carry out a procedure under this Division, a person of the voter's choice (being a person of or above the age of majority) may render such assistance as may be necessary in the circumstances and may, if necessary, vote on behalf of the voter in accordance with his or her directions and complete any declaration on behalf of the voter¹.

¹ This regulation operates subject to section 61 of the Act.

Person to whom advance voting papers have been issued not to vote at polling place except on certain conditions

25. A person to whom advance voting papers have been issued is not entitled to vote at a polling place unless that person has delivered to the presiding officer the advance voting papers for cancellation.

DIVISION 4—RELATED MATTERS**Signature on voting material**

26. If a person who is unable to sign his or her name in writing makes his or her mark on any voting material under this Part, the mark will be taken to be the person's personal signature if it is identifiable as such.

Issue of fresh voting papers

27. (1) If an electoral officer is satisfied that voting papers issued to a person under this Part have been inadvertently spoiled, the electoral officer may issue fresh voting papers to the person.

(2) The electoral officer must make a record of the issue of voting papers under this regulation.

(3) The issue of fresh voting papers under this regulation automatically cancels the original voting papers.

Adjournment of election or poll

28. (1) If for any reason it becomes impracticable to proceed with the conduct of an election or poll under this Part on the appointed day, the returning officer may adjourn the election or poll for a period not exceeding 21 days.

(2) Any votes cast prior to the adjournment will be disregarded and the taking of votes recommenced.

Voting papers under s. 31 of the Act

29. In the case of an election or poll under this Part, the voting papers issued under section 31 of the Act will be advance voting papers.

Scrutineers

30. If a candidate has appointed more than one scrutineer, not more than one of them may be present in any one polling booth at the same time during the time that it is open for voting.

Counting of votes

31. (1) Each presiding officer will, immediately after the polling booth at which he or she has been presiding closes for voting at an election or poll (or, in the case of a mobile polling booth, immediately after the polling booth finally closes for voting at an election or poll), in the presence of any other electoral officers and any scrutineers who may be present—

(a) mark and certify a return to the returning officer showing—

- (i) the number of ballot papers entrusted to the presiding officer;
 - (ii) the number of declaration votes made at the polling booth;
 - (iii) the number of ballot papers issued but returned unused;
 - (iv) the number of ballot papers issued but returned spoiled;
 - (v) the number of ballot papers not issued; and
- (b) if the returning officer has determined that the presiding officer should have the powers conferred by this paragraph—
- (i) open the ballot boxes and remove the contents;
 - (ii) separate any declaration votes (without opening the envelopes) from the ballot papers not contained in envelopes;
 - (iii) with respect to the non-declaration votes—
 - (A) arrange all ballot papers that appear to the presiding officer to be informal in a separate parcel;
 - (B) arrange the remaining ballot papers in an election under the names of the respective candidates, including in each parcel all ballot papers on which a first preference for the relevant candidate is indicated, or arrange the remaining ballot papers in a poll into two parcels;
 - (C) count the number of ballot papers in each parcel;
 - (D) make out a return of the number of ballot papers in each parcel;
 - (iv) return the declaration votes and the parcels of ballot papers to the ballot boxes and seal the boxes,

(but no decision taken by a presiding officer under this paragraph as to the validity of a ballot paper or in relation to the counting of ballot papers is binding on the returning officer); and
- (c) transmit to the returning officer—
- (i) all ballot boxes used at the polling booth;
 - (ii) all ballot papers that were not used;
 - (iii) the return referred to in paragraph (a) and, if the presiding officer exercised the powers conferred by paragraph (b), the return referred to in that paragraph.

(2) The returning officer will, with the assistance of any other electoral officers who may be present, and in the presence of any scrutineers who may be present—

- (a) open all ballot boxes used in the election or poll, remove the contents and exhibit the ballot boxes empty; and

-
- (b) separate the envelopes used for declaration votes from the ballot papers not contained in such envelopes; and
 - (c) proceed to the scrutiny of the declaration votes in accordance with section 47(2) of the Act; and
 - (d) at an appropriate time—
 - (i) examine all the ballot papers not contained in envelopes and reject any informal ballot papers; and
 - (ii) ensure that the unrejected ballot papers are in appropriate parcels for counting.

SCHEDULE
Prescribed forms

FORM 1
LOCAL GOVERNMENT (ELECTIONS) ACT 1999

*Declaration of eligibility with respect to
an appointment under section 8(1) of the
Local Government (Elections) Act 1999*

¹. Please read instructions below before filling in this form.

I,
(Given name/s) (Surname)

of
(Address²)

declare that if an election were being held for the office of ³

for the ⁴ area/ ward of the⁵

I would be eligible to be a candidate for election under the provisions of the *Local Government (Elections) Act 1999*⁶

⁷

This declaration was made before me this ⁸ day of⁹

.....
(Justice of the Peace or other person authorised to take
declarations under the *Oaths Act 1936*¹⁰)

INSTRUCTIONS

1. This form is to be completed in block letters except for signatures.
2. Insert full residential address of person making the declaration.
3. Insert description of office.
4. Strike out area or ward as the case may be.
5. Insert full name of council.
6. Section 17 of the *Local Government (Elections) Act 1999* (*see over*) is relevant to determining eligibility.
7. Insert normal signature of declarant.
8. Insert day of month on which declaration is made.
9. Insert month and year in which declaration is made.
10. Other persons authorised to take declarations under the *Oaths Act 1936* include a Commissioner for Taking Affidavits, a proclaimed manager of an office of a bank, building society or credit union and a proclaimed member of the police force.

NOTES

1. It is an offence under section 64(1) of the *Local Government (Elections) Act 1999* to make a statement in a declaration under the Act that is, to the declarant's knowledge, false or misleading in a material respect. Maximum penalty: \$5 000 or imprisonment for one year.
2. Section 17 of the *Local Government (Elections) Act 1999* provides as follows:
 - (1) Subject to this Act and the *Local Government Act 1999*, a person is eligible to be a candidate for election as a member of a council if—
 - (a) the person is—
 - (i) an Australian citizen; or
 - (ii) a prescribed person; and
 - (b) —
 - (i) the person is an elector for the area; or
 - (ii) the person is the nominee of a body corporate which has its name on the voters roll for the area; or
 - (iii) the person is the nominee of a group which has its name on the voters roll for the area; or
 - (iv) the person's name has been omitted in error from the voters roll for the area, or the person is the nominee of a body corporate or group which has had its name omitted in error from the voters roll for the area (and would be eligible for nomination under subparagraph (ii) or (iii) (as the case may be) were the name on the roll).
 - (2) Subsection (1)(b) operates subject to the following qualifications:
 - (a) a nominee of a body corporate must be an officer of the body corporate; and
 - (b) a nominee of a group must be a member of the group, or an officer of a body corporate that is a member of the group; and
 - (c) a body corporate or group cannot nominate more than one person for a particular election.
 - (3) A person is not eligible to be a candidate for election as a member of a council if the person—
 - (a) is a member of an Australian Parliament; or
 - (b) is an undischarged bankrupt or is receiving the benefit of a law for the relief of insolvent debtors; or
 - (c) has been sentenced to imprisonment and is, or could on the happening of some contingency become, liable to serve the sentence or the remainder of the sentence; or
 - (d) is an employee of the council; or
 - (e) is disqualified from election by court order under the *Local Government Act 1999*.
 - (4) A person is not eligible to be a candidate for election as a member of a council if the person—
 - (a) in the case of a supplementary election—is a member of another council; or
 - (b) in the case of any election—is a candidate for election as a member of another council.

(5) In this section—

"**prescribed person**" means a person who has held office as a member of a council at any time between 5 May 1997 and the commencement of this section.

3. For the purposes of the *Local Government (Elections) Act 1999*, an "**officer**" of a body corporate is a director, manager, secretary or public officer of the body corporate and includes any other person who takes part in the management of the affairs of the body corporate.

FORM 2
LOCAL GOVERNMENT (ELECTIONS) ACT 1999

*Application for inclusion on the voters roll under
section 14(1)(a)(ii) of the Local Government (Elections) Act 1999*

¹ Please read instructions below before filling in this form.

TO: CHIEF EXECUTIVE OFFICER OF
(Insert name of council)

I, ²
(Given Name/s) (Surname)

.....
(Place of residence³)

Date of birthday month year

apply for enrolment on the voters roll for

.....Ward/Area

and declare that all statements made in this application are true to the best of my knowledge and behalf.

⁴ Date/...../.....
(Signature)

⁵
(Signature) (Address of witness)

Date/...../.....

INSTRUCTIONS

1. This form is to be completed in block letters except for signatures.
2. Insert full name of applicant.
3. Insert full residential address of applicant.
4. Insert usual signature of applicant.
5. Insert signature and usual address of witness. A witness may be any person of or above the age of 18 years.

NOTE

It is an offence under section 64(1) of the *Local Government (Elections) Act 1999* to make a statement in an application under the Act that is, to the applicant's knowledge, false or misleading in a material respect. Maximum penalty: \$5 000 or imprisonment for one year.

**FORM 3
LOCAL GOVERNMENT (ELECTIONS) ACT 1999**

CANDIDATE FOR ELECTION

NOMINATION FORM

(By a person who is an elector in their own right)

¹ Please read instructions below before filling in this form.

TO: THE RETURNING OFFICER

NOMINATION FOR ELECTION TO ²

I, ³
(Given name/s) (Surname)

of ⁴
(Address)

hereby nominate as a candidate for the office of ⁵

for the area/ward⁶.

NOMINATIONS CLOSE AT 12.00 NOON ON/...../.....

**YOU MAY NOT LODGE THIS FORM EARLIER THAN 21 DAYS BEFORE THE DAY ON WHICH
NOMINATIONS CLOSE**

DECLARATION OF CANDIDATE

I,
(Print Full Name of Candidate)

hereby declare that I am:

- 1. an Australian citizen *or* a person who has held office as a member of a council at any time between 5 May 1997 and 1 January 2000
- 2. an elector for the area
- 3. not ineligible to be a candidate for election by reason of any matter referred to in Section 17(3) or (4) of the *Local Government (Elections) Act 1999*.

I request the name by which I am generally known to appear on the ballot paper as shown below⁷.
(Please note that the request may not be accepted and, in particular, the Returning Officer may reject a name that is obscene, frivolous or has been assumed for an ulterior purpose)

.....
(Print - Name to appear on the ballot paper)

Signature of Candidate Date / . /

Witness Date. / . . /
(Justice of the Peace or other person authorised to take declarations under the *Oaths Act 1936*)

Note: Other persons authorised to take declarations under the *Oaths Act 1936* include a Commissioner for Taking Affidavits, a proclaimed manager of an office of a bank, building society or credit union and a proclaimed member of the police force.

Further information for the use of the Returning Officer/Deputy Returning Officer/Electoral Officer to be completed by the candidate:

Candidate's contact numbers:

(Business Phone)..... (Home Phone).....

(Mobile Phone)..... (Facsimile).....

(E-mail Address).....

Do you consent to these numbers being released to the media or to other persons who request? YES/NO

Comment.....
.....
.....

Information to be completed by the Returning Officer/Deputy Returning Officer/Electoral Officer:

Received on...../...../..... at.....am/pm

Place of receipt.....

Photograph received YES/NO

Signature of receiving officer.....

INSTRUCTIONS

1. This form is to be completed in block letters except for signatures.
2. Insert name of council.
3. Insert full name of candidate.
4. Insert full address of candidate.
5. Insert description of office for which nomination is being made (Mayor or councillor).
6. Provide relevant details
7. It is not mandatory to provide a name under this item.

NOTES

1. This nomination must be accompanied by a profile of the candidate that complies with the following requirements:
 - (a) the profile must be in typed or printed form;
 - (b) the profile must not exceed 150 words;
 - (c) the profile must be accurate and must not—
 - (i) be misleading; or
 - (ii) contain offensive or obscene material; or
 - (iii) refer to another person who has nominated as a candidate for election to the council without the written consent of that person (which consent must be lodged with the profile); or
 - (iv) comment on decisions or actions that have been made or taken by the council or on the decisions or actions of past or present members of the council;
 - (d) the profile must be signed and dated by the candidate.
2. A photograph of the candidate may accompany the profile. If you choose to include a photograph—
 - (a) the photograph should be in black and white and the same size as an Australian passport photograph;
 - (b) the photograph must only (or predominantly) show the head and shoulders of the candidate;
 - (c) the photograph must have been taken within the last 12 months;
 - (d) the photograph must have on its back an endorsement signed by the candidate as follows:

"This is a photograph of [*Insert name*] taken within the last 12 months"

.....
(*Signature of candidate*)

3. It is an offence under section 64(1) of the *Local Government (Elections) Act 1999* to make a statement in a declaration under the Act that is, to the person's knowledge, false or misleading in a material respect. Maximum penalty: \$5 000 or imprisonment for one year.

4. Section 17 of the *Local Government (Elections) Act 1999* provides as follows:

(1) Subject to this Act and the *Local Government Act 1999*, a person is eligible to be a candidate for election as a member of a council if—

(a) the person is—

(i) an Australian citizen; or

(ii) a prescribed person; and

(b) —

(i) the person is an elector for the area; or

(ii) the person is the nominee of a body corporate which has its name on the voters roll for the area; or

(iii) the person is the nominee of a group which has its name on the voters roll for the area; or

(iv) the person's name has been omitted in error from the voters roll for the area, or the person is the nominee of a body corporate or group which has had its name omitted in error from the voters roll for the area (and would be eligible for nomination under subparagraph (ii) or (iii) (as the case may be) were the name on the roll).

(2) Subsection (1)(b) operates subject to the following qualifications:

(a) a nominee of a body corporate must be an officer of the body corporate; and

(b) a nominee of a group must be a member of the group, or an officer of a body corporate that is a member of the group; and

(c) a body corporate or group cannot nominate more than one person for a particular election.

(3) A person is not eligible to be a candidate for election as a member of a council if the person—

(a) is a member of an Australian Parliament; or

(b) is an undischarged bankrupt or is receiving the benefit of a law for the relief of insolvent debtors; or

(c) has been sentenced to imprisonment and is, or could on the happening of some contingency become, liable to serve the sentence or the remainder of the sentence; or

(d) is an employee of the council; or

(e) is disqualified from election by court order under the *Local Government Act 1999*.

(4) A person is not eligible to be a candidate for election as a member of a council if the person—

(a) in the case of a supplementary election—is a member of another council; or

(b) in the case of any election—is a candidate for election as a member of another council.

(5) In this section—

"**prescribed person**" means a person who has held office as a member of a council at any time between 5 May 1997 and the commencement of this section.

5. A person claiming an entitlement to be a candidate on the basis that a relevant name has been omitted in error from the voters roll must also complete Form 6 of the *Local Government (Elections) Regulations 1999*.

**FORM 4
LOCAL GOVERNMENT (ELECTIONS) ACT 1999**

CANDIDATE FOR ELECTION

NOMINATION FORM

(For a person who is a nominee of a body corporate)

¹ Please read instructions below before filling in this form.

TO: THE RETURNING OFFICER

NOMINATION FOR ELECTION TO²

I,the undersigned, on behalf of
(Print Full Name of Public Officer or Secretary)

of
(Name of Body Corporate) (Address of registered office)

hereby nominate the following officer³ of the body corporate as a candidate for the office of⁴

..... for the area/ward⁵

Name and Address of Nominee
(Print name and address of nominated candidate)

I acknowledge that the above mentioned body corporate is entitled to nominate one candidate in this election and I declare that I have been authorised by the body corporate to make this nomination.

Signature of Public Officer or Secretary

Note: If a body corporate nominates a person as a candidate for a particular election, that person is the only person entitled to vote at that election for the body corporate.

NOMINATIONS CLOSE AT 12.00 NOON ON/...../.....

**YOU MAY NOT LODGE THIS FORM EARLIER THAN 21 DAYS BEFORE THE DAY ON WHICH
NOMINATIONS CLOSE**

DECLARATION OF CANDIDATE

I,
(Print Full Name of Candidate)

hereby declare that I am:

- 1. an Australian citizen *or* a person who has held office as a member of a council at any time between 5 May 1997 and 1 January 2000
- 2. an officer of the body corporate
- 3. not ineligible to be a candidate for election by reason of any matter referred to in Section 17(3) or (4) of the *Local Government (Elections) Act 1999*.

I request the name by which I am generally known to appear on the ballot paper as shown below⁶.
(Please note that the request may not be accepted and, in particular, the Returning Officer may reject a name that is obscene, frivolous or has been assumed for an ulterior purpose)

.....
(Print - Name to appear on the ballot paper)

Signature of Candidate Date/...../.....

Witness Date/...../.....
(Justice of the Peace or other person authorised to take declarations under the *Oaths Act 1936*)

Note: Other persons authorised to take declarations under the *Oaths Act 1936* include a Commissioner for Taking Affidavits, a proclaimed manager of an office of a bank, building society or credit union and a proclaimed member of the police force.

Further information for the use of the Returning Officer/Deputy Returning Officer/Electoral Officer to be completed by the candidate:

Candidate's contact numbers:

(Business Phone)..... (Home Phone).....

(Mobile Phone)..... (Facsimile).....

(E-mail Address).....

Do you consent to these numbers being released to the media or to other persons who request? YES/NO

Comment.....

.....

.....

Information to be completed by the Returning Officer/Deputy Returning Officer/Electoral Officer:

Received on...../...../..... at.....am/pm

Place of receipt.....

Photograph received YES/NO

Signature of receiving officer.....

INSTRUCTIONS

1. This form is to be completed in block letters except for signatures.
2. Insert name of council.
3. An officer of a body corporate is a director, manager, secretary or public officer of the body corporate and includes any other person who takes part in the management of the affairs of the body corporate.
4. Insert description of office for which nomination is being made (Mayor or councillor).
5. Provide relevant details.
6. It is not mandatory to provide a name under this item.

NOTES

1. This nomination must be accompanied by a profile of the candidate that complies with the following requirements:
 - (a) the profile must be in typed or printed form;
 - (b) the profile must not exceed 150 words;
 - (c) the profile must be accurate and must not—
 - (i) be misleading; or
 - (ii) contain offensive or obscene material; or
 - (iii) refer to another person who has nominated as a candidate for election to the council without the written consent of that person (which consent must be lodged with the profile); or
 - (iv) comment on decisions or actions that have been made or taken by the council or on the decisions or actions of past or present members of the council;
 - (d) the profile must be signed and dated by the candidate.
2. A photograph of the candidate may accompany the profile. If you choose to include a photograph—
 - (a) the photograph should be in black and white format and the same size as an Australian passport photograph;
 - (b) the photograph must only (or predominantly) show the head and shoulders of the candidate;
 - (c) the photograph must have been taken within the last 12 months;
 - (d) the photograph must have on its back an endorsement signed by the candidate as follows:

"This is a photograph of [Insert name] taken within the last 12 months"

.....
 (Signature of candidate)

3. It is an offence under section 64(1) of the *Local Government (Elections) Act 1999* to make a statement in a declaration under the Act that is, to the person's knowledge, false or misleading in a material respect. Maximum penalty: \$5 000 or imprisonment for one year.

4. Section 17 of the *Local Government (Elections) Act 1999* provides as follows:

(1) Subject to this Act and the *Local Government Act 1999*, a person is eligible to be a candidate for election as a member of a council if—

(a) the person is—

(i) an Australian citizen; or

(ii) a prescribed person; and

(b) —

(i) the person is an elector for the area; or

(ii) the person is the nominee of a body corporate which has its name on the voters roll for the area; or

(iii) the person is the nominee of a group which has its name on the voters roll for the area; or

(iv) the person's name has been omitted in error from the voters roll for the area, or the person is the nominee of a body corporate or group which has had its name omitted in error from the voters roll for the area (and would be eligible for nomination under subparagraph (ii) or (iii) (as the case may be) were the name on the roll).

(2) Subsection (1)(b) operates subject to the following qualifications:

(a) a nominee of a body corporate must be an officer of the body corporate; and

(b) a nominee of a group must be a member of the group, or an officer of a body corporate that is a member of the group; and

(c) a body corporate or group cannot nominate more than one person for a particular election.

(3) A person is not eligible to be a candidate for election as a member of a council if the person—

(a) is a member of an Australian Parliament; or

(b) is an undischarged bankrupt or is receiving the benefit of a law for the relief of insolvent debtors; or

(c) has been sentenced to imprisonment and is, or could on the happening of some contingency become, liable to serve the sentence or the remainder of the sentence; or

(d) is an employee of the council; or

(e) is disqualified from election by court order under the *Local Government Act 1999*.

(4) A person is not eligible to be a candidate for election as a member of a council if the person—

(a) in the case of a supplementary election—is a member of another council; or

(b) in the case of any election—is a candidate for election as a member of another council.

(5) In this section—

"**prescribed person**" means a person who has held office as a member of a council at any time between 5 May 1997 and the commencement of this section.

5. A person claiming an entitlement to be a candidate on the basis that a relevant name has been omitted in error from the voters roll must also complete Form 6 of the *Local Government (Elections) Regulations 1999*.

**FORM 5
LOCAL GOVERNMENT (ELECTIONS) ACT 1999**

CANDIDATE FOR ELECTION

NOMINATION FORM

(For a person who is a nominee of a group)

¹ Please read instructions below before filling in this form.

TO: THE RETURNING OFFICER

NOMINATION FOR ELECTION TO²

I,the undersigned, on behalf of
(Print Full Name of Nominator)

of
(Name and Address of Group)

hereby nominate the following member of the group, or officer³ of a body corporate that is a member of a group,
as a candidate for the office of⁴ for the area/ward⁵.

Name of Nominee
(Print name of nominated candidate)

Address of Nominee

I acknowledge that the above mentioned group is entitled to nominate one candidate in this election and declare that I have been authorised by the group to make this nomination.

Signature of Nominator

NOTE: If a group nominates a person as a candidate for a particular election, that person is the only person entitled to vote at that election for the group.

NOMINATIONS CLOSE AT 12.00 NOON ON/...../.....

**YOU MAY NOT LODGE THIS FORM EARLIER THAN 21 DAYS BEFORE THE DAY ON WHICH
NOMINATIONS CLOSE**

DECLARATION OF CANDIDATE

I,
(Print Full Name of Candidate)

hereby declare that I am:

- 1. an Australian citizen *or* a person who has held office as a member of a council at any time between 5 May 1997 and 1 January 2000
- 2. a member of the group or an officer of the body corporate that is a member of the group
- 3. not ineligible to be a candidate for election by reason of any matter referred to in Section 17(3) or (4) of the *Local Government (Elections) Act 1999*.

I request the name by which I am generally known to appear on the ballot paper as shown below⁶.
(Please note that the request may not be accepted and, in particular, the Returning Officer may reject a name that is obscene, frivolous or has been assumed for an ulterior purpose)

.....
(Print - Name to appear on the ballot paper)

Signature of Candidate Date / /

Witness Date / /
(Justice of the Peace or other person authorised to take declarations under the *Oaths Act 1936*)

Note: Other persons authorised to take declarations under the *Oaths Act 1936* include a Commissioner for Taking Affidavits, a proclaimed manager of an office of a bank, building society or credit union and a proclaimed member of the police force.

Further information for the use of the Returning Officer/Deputy Returning Officer/Electoral Officer to be completed by the candidate:

Candidate's contact numbers:

(Business Phone)..... (Home Phone).....

(Mobile Phone)..... (Facsimile).....

(E-mail Address).....

Do you consent to these numbers being released to the media or to other persons who request? YES/NO

Comment.....
.....
.....

Information to be completed by the Returning Officer/Deputy Returning Officer/Electoral Officer:

Received on...../...../..... at.....am/pm

Place of receipt.....

Photograph received YES/NO

Signature of receiving officer.....

INSTRUCTIONS

1. This form is to be completed in block letters except for signatures.
2. Insert name of council.
3. An officer of a body corporate is a director, manager, secretary or public officer of the body corporate and includes any other person who takes part in the management of the affairs of the body corporate.
4. Insert description of office for which nomination is being made (Mayor or councillor).
5. Provide relevant details.
6. It is not mandatory to provide a name under this item.

NOTES

1. This nomination must be accompanied by a profile of the candidate that complies with the following requirements:
 - (a) the profile must be in typed or printed form;
 - (b) the profile must not exceed 150 words;
 - (c) the profile must be accurate and must not—
 - (i) be misleading; or
 - (ii) contain offensive or obscene material; or
 - (iii) refer to another person who has nominated as a candidate for election to the council without the written consent of that person (which consent must be lodged with the profile); or
 - (iv) comment on decisions or actions that have been made or taken by the council or on the decisions or actions of past or present members of the council;
 - (d) the profile must be signed and dated by the candidate.
2. A photograph of the candidate may accompany the profile. If you choose to include a photograph—
 - (a) the photograph should be in black and white format and the same size as an Australian passport photograph;
 - (b) the photograph must only (or predominantly) show the head and shoulders of the candidate;
 - (c) the photograph must have been taken within the last 12 months;
 - (d) the photograph must have on its back an endorsement signed by the candidate as follows:

"This is a photograph of [*Insert name*] taken within the last 12 months"

.....
 (*Signature of candidate*)

3. It is an offence under section 64(1) of the *Local Government (Elections) Act 1999* to make a statement in a declaration under the Act that is, to the person's knowledge, false or misleading in a material respect. Maximum penalty: \$5 000 or imprisonment for one year.

4. Section 17 of the *Local Government (Elections) Act 1999* provides as follows:

(1) Subject to this Act and the *Local Government Act 1999*, a person is eligible to be a candidate for election as a member of a council if—

(a) the person is—

(i) an Australian citizen; or

(ii) a prescribed person; and

(b) —

(i) the person is an elector for the area; or

(ii) the person is the nominee of a body corporate which has its name on the voters roll for the area; or

(iii) the person is the nominee of a group which has its name on the voters roll for the area; or

(iv) the person's name has been omitted in error from the voters roll for the area, or the person is the nominee of a body corporate or group which has had its name omitted in error from the voters roll for the area (and would be eligible for nomination under subparagraph (ii) or (iii) (as the case may be) were the name on the roll).

(2) Subsection (1)(b) operates subject to the following qualifications:

(a) a nominee of a body corporate must be an officer of the body corporate; and

(b) a nominee of a group must be a member of the group, or an officer of a body corporate that is a member of the group; and

(c) a body corporate or group cannot nominate more than one person for a particular election.

(3) A person is not eligible to be a candidate for election as a member of a council if the person—

(a) is a member of an Australian Parliament; or

(b) is an undischarged bankrupt or is receiving the benefit of a law for the relief of insolvent debtors; or

(c) has been sentenced to imprisonment and is, or could on the happening of some contingency become, liable to serve the sentence or the remainder of the sentence; or

(d) is an employee of the council; or

(e) is disqualified from election by court order under the *Local Government Act 1999*.

(4) A person is not eligible to be a candidate for election as a member of a council if the person—

(a) in the case of a supplementary election—is a member of another council; or

(b) in the case of any election—is a candidate for election as a member of another council.

(5) In this section—

"**prescribed person**" means a person who has held office as a member of a council at any time between 5 May 1997 and the commencement of this section.

5. A person claiming an entitlement to be a candidate on the basis that a relevant name has been omitted in error from the voters roll must also complete Form 6 of the *Local Government (Elections) Regulations 1999*.

**FORM 6
LOCAL GOVERNMENT (ELECTIONS) ACT 1999**

Nomination of candidate—Additional information that may be required—Section 17(1)(b)(iv) of Act

(This form must be used if a person is nominating, or being nominated, as a candidate for election as a member of a council and is a person whose name has been omitted in error from the voters roll, or who is a nominee of a body corporate or group which has had its name omitted in error from the voters roll.)

¹ Please read instructions below before filling in this form. Complete either A, B or C (as appropriate).

A. PERSON CLAIMING ENTITLEMENT AS AN ELECTOR IN HIS OR HER OWN RIGHT

1,²
(Given Name/s) (Surname)

of³
(Place of residence)

hereby declare that I am of the opinion that I am an elector whose name has been omitted from the voters roll for the⁴ as a result of an administrative error in the preparation of the roll. On or before the roll closing date—

(Tick the relevant box)

- I was enrolled as a House of Assembly elector in respect of the above residential address
- I lodged an application for enrolment in respect of the above residential address
- I was entered in the assessment record as the sole owner or sole occupier of rateable property at the following address⁵

I also declare that I am of or above the age of 18 years.

.....
(Signature) (Date)

B. BODY CORPORATE CLAIMING ENTITLEMENT TO ENROLMENT

I,⁶
(Given Name/s) (Surname)

of
(Contact Address)

hereby declare that I am of the opinion that⁷
is a body corporate which has had its name omitted from the voters roll for⁸
as a result of an administrative error in the preparation of the roll.

On or before the roll closing date the body corporate was entered in the assessment record as the sole owner
or sole occupier of rateable property at the following address⁹

.....

.....
(Signature) (Date)

C. GROUP CLAIMING ENTITLEMENT TO ENROLMENT

I,¹⁰
(Surname) (Given Name/s)

of
(Contact address)

hereby declare that I am of the opinion that the following group¹¹:

.....
.....
.....
.....

(If space insufficient, please attach a list)

is a group that has been omitted from the voters roll for¹² as a result of an
administrative error in the preparation of the roll.

On or before the roll closing date the members of the group were entered in the assessment record as
ratepayers in respect of rateable property at the following address¹³

.....

.....
(Signature) (Date)

INSTRUCTIONS

1. This form is to be completed in block letters except for signatures.
2. Insert full name of claimant.
3. Insert full residential address of the claimant here. If the place of residence of the claimant cannot be identified by reference to a street name (whether with or without a house number) the hundred and section number in which the place of residence is situated is to be inserted.
4. Insert name of council.
5. Insert full address or other location details of the property.
6. Insert full name of person making the declaration. **This must be an officer of the body corporate.**
7. Insert full name of body corporate, including its A.C.N. or other identifying registration number (if any).
8. Insert name of council.
9. Insert full address or other location details of the property.
10. Insert full name of person making the declaration. **This must be a member of the group or an officer of a body corporate which is a member of the group.**
11. Insert full names (underline surname) and addresses of the members of the group. If space is insufficient, please attach a list.
12. Insert name of council.
13. Insert full address or other location details of the property.

**FORM 7
LOCAL GOVERNMENT (ELECTIONS) ACT 1999**

Withdrawal of nomination by a candidate

¹ Please read instructions below before filling in this form.

WITHDRAWAL OF NOMINATION ²

PURSUANT to section 22(1) of the *Local Government (Elections) Act 1999*, I withdraw my nomination as a candidate for the office of³ for the area/ward⁴.

A. To be completed if a person was nominated by a body corporate or group

I declare that I have notified⁵ of my decision to withdraw my nomination.

.....
(Print Full Name of Candidate)

.....
(Signature)

.....
(Date)

INSTRUCTIONS

1. This form is to be completed in block letters except for signatures.
2. Insert name of council.
3. Insert description of office for which nomination was made.
4. Strike out area or ward as the case may be.
5. Insert name of body corporate or group.

THIS FORM MUST BE DELIVERED TO THE RETURNING OFFICER FOR THE COUNCIL BEFORE THE CLOSE OF NOMINATIONS FOR THE RELEVANT ELECTION

**FORM 8
LOCAL GOVERNMENT (ELECTIONS) ACT 1999**

Withdrawal of nomination by body corporate or group

¹ Please read the note and instructions below before filling in this form.

PURSUANT to section 22(2) of the *Local Government (Elections) Act 1999*, the nomination of²

.....
.....

by³

.....
as a candidate for election as a member of⁴ is **withdrawn**.

I declare—

(a) that the body corporate or group has resolved to withdraw the nomination and that I am authorised to provide this notice on behalf of the body corporate or group;

AND

(b) that the nominated candidate has been notified that his or her nomination has been withdrawn.

.....
(Signature)

.....
(Date)

INSTRUCTIONS

1. This form is to be completed in block letters except for signatures.
2. Insert full name and address of person who has been nominated.
3. Insert full name of body corporate, or name of group (as appropriate).
4. Insert name of council.

NOTE

A This form must be completed by—

(a) in the case of nomination made by a body corporate—an officer of the relevant body corporate; or

(b) in the case of a nomination made by a group—a member of the relevant group, or an officer of a body corporate that is a member of the relevant group.

B THIS FORM MUST BE DELIVERED TO THE RETURNING OFFICER FOR THE COUNCIL BEFORE THE CLOSE OF NOMINATIONS FOR THE RELEVANT ELECTION.

FORM 9
LOCAL GOVERNMENT (ELECTIONS) ACT 1999

Notice to candidates

As a candidate for election under the *Local Government (Elections) Act 1999*, you should be aware of various provisions of the Act which may lead to criminal prosecution if breached.

Extracts from the *Local Government (Elections) Act 1999* relating to these provisions are set out below for your information.

You should speak to the returning officer if you are uncertain about any matter relevant to the conduct of the election or the lodging of a Campaign Donations Return under the Act.

Extracts

A. ELECTORAL MATERIAL

Publication of electoral material

27. (1) A person must not publish electoral material or cause electoral material to be published unless the material contains—

- (a) the name and address of the person who authorises publication of the material; and
- (b) in the case of printed electoral material—the name and address of the printer or other person responsible for undertaking its production.

Maximum penalty: \$2 500.

(2) If electoral material is published in a newspaper that has been published at intervals of one month or less over a period of at least six months immediately preceding the publication of the electoral material, the name and address of the printer need not be contained in the electoral material.

(3) If electoral material is published in a newspaper as a letter to the editor, it is an offence to publish the material without the name and address (not being a post box) of the writer of the letter.

Maximum penalty: \$2 500.

Publication of misleading material

28. (1) If—

- (a) electoral material contains a statement purporting to be a statement of fact; and
- (b) the statement is inaccurate and misleading to a material extent,

a person who authorised, caused or permitted the publication of the material is guilty of an offence.

Maximum penalty: \$5 000.

(2) It is a defence to a charge of an offence against subsection (1) for the defendant to prove—

- (a) that he or she took no part in determining the contents of the material; and
- (b) that he or she could not reasonably be expected to have known that the statement to which the charge relates was inaccurate and misleading.

(3) This section applies to material published by any means (including radio or television).

(4) No action under this section lies against the returning officer with respect to the publication of material provided to the returning officer by a candidate for election under section 19.

B. ILLEGAL PRACTICES

Violence, intimidation, bribery, etc.

57. (1) A person who exercises violence or intimidation, or offers or gives a bribe, with a view to—

- (a) inducing a person to submit or withdraw candidature for election; or
- (b) influencing the vote of a person at an election or poll; or
- (c) otherwise interfering with the due course of an election or poll,

is guilty of an offence.

Maximum penalty: \$10 000 or imprisonment for seven years.

(2) A person who receives a bribe offered in contravention of subsection (1) is guilty of an offence.

Maximum penalty: \$10 000 or imprisonment for seven years.

(3) In this section—

"bribe" includes any pecuniary sum or material advantage including food, drink or entertainment.

Dishonest artifices

58. (1) A person who dishonestly exercises, or attempts to exercise, a vote at an election or poll to which that person is not entitled is guilty of an offence.

Maximum penalty: \$5 000 or imprisonment for one year.

(2) A person who dishonestly influences or attempts to influence the result of an election or poll is guilty of an offence.

Maximum penalty: \$5 000 or imprisonment for one year.

Interference with statutory rights

59. A person must not hinder or interfere with the free exercise or performance, by another person, of a right under this Act.

Maximum penalty: \$5 000 or imprisonment for one year.

Exception

60. No declaration of public policy or promise of public action constitutes bribery or dishonest influence.

Persons acting on behalf of candidates not to assist voters or collect voting papers

61. (1) A person who is a candidate for election or acting on behalf of such a candidate (whether with or without the candidate's authority) must not act as an assistant to a person voting at the election.

Maximum penalty: \$5 000 or imprisonment for one year.

(2) A scrutineer must not act as an assistant to a person voting at an election or poll.

Maximum penalty: \$5 000 or imprisonment for one year.

(3) Without limiting the generality of subsection (1) or (2), a person acts as an assistant by assisting another to obtain, complete or return postal voting papers.

(4) A person who is a candidate for election or acting on behalf of such a candidate (whether with or without the candidate's authority) must not have in his or her possession, or attempt to gain possession of, postal voting papers for that election (except any such papers issued to the person as an elector in his or her own right).

Maximum penalty: \$5 000 or imprisonment for one year.

Unlawful interference with computer programs

62. (1) A person must not, without lawful authority to do so, tamper or interfere with a computer program or system used by an electoral officer for the purposes of an election or poll under this Act.

Maximum penalty: \$5 000 or imprisonment for one year.

(2) In proceedings for an offence against subsection (1), the prosecution need not prove the absence of lawful authority and the onus is on the defendant to prove any such authority on which he or she relies.

Secrecy of vote

63. (1) A person must not, by clandestine or dishonest means, attempt to discover how another person has voted.

Maximum penalty: \$1 250 or imprisonment for three months.

(2) No person may open an envelope under this Act containing a vote except the returning officer, or an electoral officer acting with the authority of the returning officer.

Maximum penalty: \$750.

(3) A person who acquires knowledge of the vote of another person through assisting the other person to vote, or otherwise in the exercise of powers or functions under this Act, must not divulge that knowledge.

Maximum penalty: \$2 500 or imprisonment for six months.

Unlawful declaration or marking of ballot papers

64. (1) A person must not make a statement in a claim, application, return or declaration, or in answer to a question, under this Act that is, to the person's knowledge, false or misleading in a material respect.

Maximum penalty: \$5 000 or imprisonment for one year.

(2) Except as authorised by this Act, a person (not being a person to whom the ballot paper has been lawfully issued) must not mark a vote, or make any other mark or writing on a ballot paper.

Maximum penalty: \$2 500 or imprisonment for six months.

Conduct of officers

65. An electoral officer must not fail, without proper excuse, to carry out his or her official duties in connection with the conduct of an election or poll.

Maximum penalty: \$2 500 or imprisonment for six months.

Conduct of scrutineers

66. (1) A scrutineer must not interfere with or attempt to influence a person voting or proposing to vote at an election or poll.

Maximum penalty: \$5 000 or imprisonment for one year.

(2) If a candidate appoints more than one scrutineer, not more than two of them may be present in the place for the counting of votes at the same time during the counting of votes.

C. CAMPAIGN DONATIONS RETURNS

Returns for candidates

80. (1) A person who is a candidate for election to an office of a council must, within six weeks after the conclusion of the election, furnish to the chief executive officer of the council, in accordance with the requirements of this Part, a **campaign donations return** (see section 81).

(2) A return must be in the prescribed form and completed in the prescribed manner.

Campaign donations returns

81. (1) Subject to this section, a campaign donations return for a candidate for election to an office of a council must set out—

- (a) the total amount or value of all gifts received by the candidate during the disclosure period; and
- (b) the number of persons who made those gifts; and
- (c) the amount or value of each gift; and
- (d) the date on which each gift was made; and
- (e) in the case of each gift made on behalf of the members of an unincorporated association, other than a registered industrial organisation—
 - (i) the name of the association; and
 - (ii) the names and addresses of the members of the executive committee (however described) of the association; and
- (f) in the case of each gift purportedly made out of a trust fund or out of the funds of a foundation—
 - (i) the names and addresses of the trustees of the fund or of the funds of the foundation; and
 - (ii) the title or other description of the trust fund or the name of the foundation, as the case requires; and
- (g) in the case of each other gift—the name and address of the person who made the gift.

(2) A campaign donations return need not set out any details required by subsection (1) in respect of—

- (a) a private gift made to the candidate; or
- (b) a gift if the amount or value of the gift is less than \$500.

(3) For the purposes of this section—

- (a) the disclosure period is the period that commenced—
 - (i) in relation to a candidate in an election who was a new candidate (other than a candidate referred to in subparagraph (ii))—on the day on which the person announced that he or she would be a candidate in the election or on the day on which the person's nomination as a candidate was lodged with the returning officer, whichever was the earlier;
 - (ii) in relation to a candidate in an election who was a new candidate and when he or she became a candidate in the election was a member of the council by virtue of having been appointed under Chapter 3 of the *Local Government Act 1999*—on the day on which the person was so appointed as a member of the council;

(iii) in relation to a candidate in an election who was not a new candidate—at the end of 30 days after polling day for the last preceding election in which the person was a candidate,

and that ended, in any of the above cases, at the end of 30 days after polling day for the election;

- (b) a candidate is a new candidate, in relation to an election, if the person had not been a candidate in the last general election of the council and had not been elected at a supplementary election held after the last general election of the council;
- (c) two or more gifts (excluding private gifts) made by the same person to a candidate during the disclosure period are to be treated as one gift;
- (d) a gift made to a candidate is a private gift if it is made in a private capacity to the candidate for his or her personal use and the candidate has not used, and will not use, the gift solely or substantially for a purpose related to an election.

(4) If no details are required to be included in a return under this section for a candidate, the return must nevertheless be lodged and must include a statement to the effect that no gifts of a kind required to be disclosed were received.

Certain gifts not to be received

82. (1) It is unlawful for a member of a council to receive a gift made to or for the benefit of the member the amount or value of which is not less than \$500 unless—

- (a) the name and address of the person making the gift are known to the member; or
- (b) at the time when the gift is made, the person making the gift gives to the member his or her name and address and the member has no grounds to believe that the name and address so given are not the true name and address of the person making the gift.

(2) It is unlawful for a candidate in an election or a person acting on behalf of a candidate in an election to receive a gift made to or for the benefit of the candidate the amount or value of which is not less than \$500 unless—

- (a) the name and address of the person making the gift are known to the person receiving the gift; or
- (b) at the time when the gift is made, the person making the gift gives to the person receiving the gift his or her name and address and the person receiving the gift has no grounds to believe that the name and address so given are not the true name and address of the person making the gift.

(3) For the purposes of this section—

- (a) a reference to a gift made by a person includes a reference to a gift made on behalf of the members of an unincorporated association;
- (b) a reference to the name and address of a person making a gift is—
 - (i) in the case of a gift made on behalf of the members of an unincorporated association, other than a registered industrial organisation—a reference to—
 - (A) the name of the association; and
 - (B) the names and addresses of the members of the executive committee (however described) of the association; and
 - (ii) in the case of a gift purportedly made out of a trust fund or out of the funds of a foundation—a reference to—
 - (A) the names and addresses of the trustees of the fund or of the funds of the foundation; and

- (B) the title or other description of the trust fund or the name of the foundation, as the case requires;
- (c) a person who is a candidate in an election is to be taken to remain a candidate for 30 days after the polling day for the election;
- (d) a reference to a candidate in an election includes a reference to a person who is already a member of the council.

(4) If a person receives a gift that, by virtue of this section, it is unlawful for the person to receive, an amount equal to the amount or value of the gift is payable by that person to the Crown and may be recovered by the Crown as a debt by action, in a court of competent jurisdiction, against the person.

Inability to complete return

83. If a person who is required to furnish a return under this Division considers that it is impossible to complete the return because he or she is unable to obtain particulars that are required for the preparation of the return, the person may—

- (a) prepare the return to the extent that it is possible to do so without those particulars; and
- (b) furnish the return so prepared; and
- (c) give to the chief executive officer notice in writing—
 - (i) identifying the return; and
 - (ii) stating that the return is incomplete by reason that he or she is unable to obtain certain particulars; and
 - (iii) identifying those particulars; and
 - (iv) setting out the reasons why he or she is unable to obtain those particulars; and
 - (v) if the person believes, on reasonable grounds, that another person whose name and address he or she knows can give those particulars—stating that belief and the reasons for it and the name and address of that other person,

and a person who complies with this section is not, by reason of the omission of those particulars, to be taken, for the purposes of this Division, to have furnished a return that is incomplete.

Amendment of return

84. (1) A person who has furnished a return under this Division may request the permission of the chief executive officer to make a specified amendment of the return for the purpose of correcting an error or omission.

- (2) A request under subsection (1) must—
 - (a) be by notice in writing signed by the person making the request; and
 - (b) be lodged with the chief executive officer.
- (3) If—
 - (a) a request has been made under subsection (1); and
 - (b) the chief executive officer is satisfied that there is an error in, or omission from, the return to which the request relates,

the chief executive officer must amend the return, or permit the person making the request to amend the return, in accordance with the request.

(4) The amendment of a return under this section does not affect the liability of a person to be convicted of an offence arising out of the furnishing of the return.

Offences

85. (1) A person who fails to furnish a return that the person is required to furnish under this Division within the time required by this Division is guilty of an offence.

Maximum penalty: \$10 000.

(2) A person who furnishes a return or other information—

(a) that the person is required to furnish under this Division; and

(b) that contains a statement that is, to the knowledge of the person, false or misleading in a material particular,

is guilty of an offence.

Maximum penalty: \$10 000.

(3) A person who furnishes to another person who is required to furnish a return under this Division information—

(a) that the person knows is required for the purposes of that return; and

(b) that is, to that person's knowledge, false or misleading in a material particular,

is guilty of an offence.

Maximum penalty: \$10 000.

(4) An allegation in a complaint that a specified person had not furnished a return of a specified kind as at a specified date will be taken to have been proved in the absence of proof to the contrary.

Failure to comply with Division

86. (1) If a person who is required to furnish a return under this Division fails to submit the return within the time required by this Division, the chief executive officer must as soon as practicable notify the person of that fact.

(2) A notification under subsection (1) must be given by letter sent to the person by registered mail.

(3) A failure of a person to comply with a provision of this Division in relation to an election does not invalidate that election. (However, the office of a member of a council who fails to submit a return may become vacant under Chapter 5 Part 2 of the *Local Government Act 1999*.)

DIVISION 2—PUBLIC ACCESS TO INFORMATION

Public inspection of returns

87. (1) The chief executive officer of a council must keep at the principal office of the council each return furnished to the chief executive officer under Division 1.

(2) Subject to this section, a person is entitled to inspect a copy of a return under Division 1, without charge, during ordinary business hours at the principal office of the council.

(3) Subject to this section, a person is entitled, on payment of a fee fixed by the council, to obtain a copy of a return under Division 1.

(4) A person is not entitled to inspect or obtain a copy of a return until the end of eight weeks after the day before which the return was required to be furnished to the chief executive officer.

(5) The chief executive officer is only required to keep a return under this section for a period of three years following the election to which the return relates.

Restrictions on publication

88. (1) A person must not publish—

- (a) information derived from a return under Division 1 unless the information constitutes a fair and accurate summary of the information contained in the return and is published in the public interest; or
- (b) comment on the facts set forth in a return under Division 1 unless the comment is fair and published in the public interest and without malice.

(2) If information or comment is published by a person in contravention of subsection (1), the person, and any person who authorised the publication of the information or comment, is guilty of an offence.

Maximum penalty: \$10 000.

DIVISION 3—RELATED MATTERS

Requirement to keep proper records

89. (1) A person must take reasonable steps to keep in his or her possession all records relevant to completing a return under this Part.

Maximum penalty: \$5 000.

(2) A person must keep a record under subsection (1) for at least three years after the date on which the relevant return is required to be furnished to the chief executive officer of the council under this Part.

Maximum penalty: \$5 000.

Related matters

90. (1) For the purposes of this Part, the amount or value of a gift consisting of or including a disposition of property other than money is, if the regulations so provide, to be determined in accordance with principles set out or referred to in the regulations.

(2) For the purposes of this Part—

- (a) a body corporate and any other body corporate that is related to the first-mentioned body corporate is to be taken to be the same person; and
- (b) the question whether a body corporate is related to another body corporate is to be determined in the same manner as under the *Corporations Law*.

(3) For the purposes of this Part, an act performed by a person or committee appointed or formed to assist the campaign of a candidate in an election will be taken to be an act performed by the candidate.

FORM 10
BALLOT PAPER

Name of council¹:

Election of ²

Directions

1. You must vote for at least³ candidate(s) on this ballot paper by placing the number(s)in the square(s) opposite the name(s) of the candidate(s) so as to indicate your preference for them. If you wish, you may then vote for an additional candidate or candidates by continuing to place consecutive number(s) in the square(s) opposite the name(s) of the other candidate or candidates so as to indicate your preference(s).
2. After voting, you should fold this ballot paper and place it in the accompanying envelope (*or* ballot box)

CANDIDATES

-
-
-

NOTES:

1. Insert name of council.
2. Insert name of office and number of candidates required to be elected (e.g., 2 councillors for White Ward).
3. Insert number of candidates required to be elected.
4. Insert 1 where one candidate is required to be elected, 1 and 2 where two candidates are required to be elected, 1, 2 and 3 where three candidates are required to be elected, etc.

FORM 11

IMPORTANT: This declaration form must be signed by you or your vote WILL NOT BE VALID

DO NOT tear off this flap. The envelope will not be opened until the declaration flap below has been removed by the Returning Officer and ALL of the envelopes have been rearranged to ensure vote confidentiality.

I hereby declare that—

A the ballot paper\ s which I have placed in this envelope contain my vote and that I have not already voted in this election or poll in the capacity under which I am voting,

AND

B I am of or above the age of 18 years,

AND

C I am the person named below

C (to be completed only if you are an appointed representative)

Date of Birth/...../.....

OR I, (surname).....

Signature.....

(given names)..... am the person authorised by the body corporate or group named opposite to vote on its behalf, and I am an officer of the body corporate, a member of the group, or an officer of a body corporate which is a member of the group

Name and address.....

Date of Birth/...../.....

.....
.....

Signature.....

FORM 12

IMPORTANT: This declaration form must be signed by you or your vote WILL NOT BE VALID

DO NOT tear off this flap. The envelope will not be opened until the declaration flap below has been removed by the Returning Officer and ALL of the envelopes have been rearranged to ensure vote confidentiality.

I hereby declare that—

A the ballot paper\s which I have placed in this envelope contain my vote and that I have not already voted in this election or poll in the capacity under which I am voting,

AND

B I am of or above the age of 18 years,

AND

C I am a person whose name has been omitted in error from the voter’s roll. On or before closing date: (tick appropriate box)

- I was enrolled as a House of Assembly elector in respect of the address below
 I lodged an application for enrolment in respect of the residential address below
 I was entered in the assessment record as the sole owner or sole occupier of rateable land within the area of the Council

Surname.....

Given names.....

Residential Address.....

Date of Birth/...../.....

...../...../.....
(Signature) Date

C (to be completed only if you are an appointed representative)

OR I am the person authorised by the body corporate or group named below to vote on its behalf, I am an officer of the body corporate, a member of the group, or an officer of a body corporate which is a member of the group and the name of the body corporate or group has been omitted in error from the voters roll.

Surname.....

Given Names.....

Date of birth/...../.....

Name and address of body corporate or group for which vote is claimed

.....
.....
.....

...../...../.....
(Signature of Authorised Person) Date

**FORM 13
LOCAL GOVERNMENT (ELECTIONS) ACT 1999**

CAMPAIGN DONATIONS RETURN

^{1.} Please read instructions and notes below before filling in this form.

FULL NAME OF CANDIDATE OR MEMBER²:

PERIOD TO WHICH RETURN RELATES³:/...../..... to/...../.....

I declare that between the dates referred to above—

no gifts⁴ of a kind required to be disclosed⁵ were received by me

OR

gifts⁴ of a kind required to be disclosed⁵ were received by me.

The total value of those gifts is

The number of persons who made those gifts is

Specific details concerning such gift are provided below.

.....
(Signature)

.....
(Date)

SPECIFIC DETAILS OF GIFTS

AMOUNT OR VALUE OF EACH GIFT ⁶	NAME AND ADDRESS OF EACH DONOR ⁷	DATE ON WHICH GIFT MADE

(If space is insufficient, please attach a list.)

INSTRUCTIONS/NOTES

1. This form is to be completed in block letters except for signatures.
2. Any person who is a candidate for election to an office of a council (whether or not successfully elected) must complete this form and furnish it to the chief executive officer of the council within six weeks after the conclusion of the election.
3. The period to which the return must relate is called the **disclosure period**. For the purposes of this return—
 - (a) subject to paragraph (b), the disclosure period is the period that commenced—
 - (i) in relation to a candidate in an election who was a new candidate (other than a candidate referred to in subparagraph (ii))—on the day on which he or she announced that he or she could be a candidate in the election or the day on which his or her nomination was lodged with the returning officer, whichever is the earlier;

- (ii) in relation to a candidate in an election who was a new candidate and when he or she became a candidate in the election was a member of the council by virtue of having been appointed under the *Local Government Act 1999*—on the day on which the person was so appointed as a member of the council;
- (iii) in relation to a candidate in an election who was not a new candidate—at the end of 30 days after polling day for the last preceding election in which the person was a candidate,

and that ended, in any of the above cases, at the end of 30 days after polling day for the election;
and

- (b) a candidate is a new candidate, in relation to an election, if the person had not been a candidate in the last general election of the council and had not been elected at a supplementary election held after the last general election of the council.

A **gift** is a disposition of property made by a person to another person, otherwise than by will, being a disposition made without consideration in money or money's worth or with inadequate consideration, and includes the provision of a service (other than volunteer labour) for no consideration or for inadequate consideration.

A return need not set out any details in respect of—

- (a) a private gift made to the candidate; or
- (b) a gift if the amount or value of the gift is less than \$500.

A gift made to a candidate is a private gift if it is made in a private capacity to the candidate for his or her personal use and the candidate has not used, and will not use, the gift solely or substantially for a purpose related to an election.

Two or more gifts (excluding private gifts) made by the same person to a candidate during the disclosure period are to be treated as one gift.

The following information must be included:

- (a) in the case of each gift made on behalf of the members of an unincorporated association, other than a registered industrial organisation—
 - (i) the name of the association; and
 - (ii) the names and addresses of the members of the executive committee (however described) of the association; and
- (b) in the case of each gift purportedly made out of a trust fund or out of the funds of a foundation—
 - (i) the names and addresses of the trustees of the fund or of the funds of the foundation; and
 - (ii) the title or other description of the trust fund or the name of the foundation, as the case requires; and
- (c) in the case of each other gift—the name and address of the person who made the gift.

A **registered industrial organisation** is an industrial association or organisation registered under a law of the State or of the Commonwealth.

NOTE

If a person who is required to furnish a return considers that it is impossible to complete the return because he or she is unable to obtain particulars that are required for the preparation of the return, the person may—

- (a) prepare the return to the extent that it is possible to do so without those particulars; and
- (b) furnish the return so prepared; and
- (c) give to the chief executive officer notice in writing—
 - (i) identifying the return; and
 - (ii) stating that the return is incomplete by reason that he or she is unable to obtain certain particulars; and
 - (iii) identifying those particulars; and
 - (iv) setting out the reasons why he or she is unable to obtain those particulars; and
 - (v) if the person believes, on reasonable grounds, that another person whose name and address he or she knows can give those particulars—stating that belief and the reasons for it and the name and address of that other person.

FORM 14
BALLOT PAPER
(Council Poll)

Name of council¹

Poll being conducted on²

PROPOSITION:

DIRECTIONS

- 1. You must vote by placing a tick in the square that indicates your agreement or disagreement with the proposition stated above.
- 2. After voting, you should fold this ballot paper and place it in the ballot box (*or* in the accompanying envelope).

- I agree with the proposition stated above
- I disagree with the proposition stated above

NOTES:

- 1. Insert name of council.
- 2. Insert date of poll.

FORM 15**1. How-to-vote cards submitted by candidates for display in voting compartments at polling booths—**

- (a) must be printed; and
- (b) must have printed on one side—
 - (i) the words "HOW-TO-VOTE"; and
 - (ii) the name of the council, the name of the office and, if the election is for a ward, the name of the ward; and
 - (iii) the names of all the candidates; and
 - (iv) consecutive numbers beginning with the number "1" each surrounded by a square, opposite the names of a number of candidates being not less than the number required to be elected, and may continue with consecutive numbers, each surrounded by a square, opposite the names of one or more of the other candidates; and
 - (v) the name and address of the person who authorised the printing of the card; and
 - (vi) the name and address of the person who printed the card or other person responsible for undertaking its production; and
- (c) may have printed on the side used under paragraph (b) a reproduction in black and white of a recent full-faced vertical photograph of the head and shoulders of the candidate submitting the card.

2. Except for the matters referred to in clause 1, no other matter may be printed or otherwise appear on the side referred to in clause 1(b).

MLG 11/99 CS

R. DENNIS Clerk of the Council

REGULATIONS UNDER THE LOCAL GOVERNMENT ACT 1999

No. 243 of 1999

At the Executive Council Office at Adelaide 25 November 1999

PURSUANT to the *Local Government Act 1999* and with the advice and consent of the Executive Council, I make the following regulations.

E. J. NEAL Governor

PURSUANT to section 10AA(2) of the *Subordinate Legislation Act 1978*, I certify that, in my opinion, it is necessary or appropriate that the following regulations come into operation as set out below.

IAIN EVANS Minister for Industry and Trade

SUMMARY OF PROVISIONS

1. Citation
2. Commencement
3. Revocation
4. Interpretation
5. Public initiated submissions before Panel—prescribed notice
6. Member's declaration
7. Register of interests—members
8. Register of interests—officers
9. Annual reports
10. Land use categories
11. Notice of valuation
12. Objections to valuations made by a council
13. Rates notice
14. Certificates of liabilities—fee
15. Compulsory acquisition of land
16. Register of community land
17. Public consultation—s. 223
18. Register of public roads
19. By-laws—certificate of legal practitioner
20. Review of an order
21. Prescribed percentage rate—s. 257(5)(a)
22. Local government indemnity schemes

SCHEDULE 1*Forms***SCHEDULE 2***Prescribed fees*

Citation

1. These regulations may be cited as the *Local Government (General) Regulations 1999*.

Commencement

2. These regulations will come into operation on the day on which Chapter 3 of the *Local Government Act 1999* comes into operation.

Revocation

3. The following regulations are revoked:

- (a) the *Local Government (Certificate of Liabilities) Regulations 1989* (see *Gazette* 13 May 1997 p. 1920);
- (b) the *Local Government (Certificates of Validity for By-Laws) Regulations 1986* (see *Gazette* 11 December 1986 p. 1832);
- (c) the *Local Government (Electoral Signs—Moveable signs) Regulations 1995* (see *Gazette* 14 December 1995 p. 1719);
- (d) the *Local Government (Forms) Regulations 1984* (see *Gazette* 2 August 1984 p. 464), as varied;
- (e) the *Local Government (Land Use) Regulations 1989* (see *Gazette* 13 April 1989 p. 1039);
- (f) the *Local Government (Performance of Councils—Prescribed Criteria) Regulations 1996* (see *Gazette* 23 May 1996 p. 2579);
- (g) the *Local Government (Register of Officers' Interests) Regulations 1994* (see *Gazette* 12 May 1994 p. 1191);
- (h) the *Local Government (Section 34a—Prescribed Bodies) Regulations 1987* (see *Gazette* 1 October 1987 p. 1028), as varied;
- (i) the *Local Government (Section 42a—Annual Reports) Regulations 1992* (see *Gazette* 27 August 1992 p. 960);
- (j) the *Local Government (Section 162—Prescribed Professional Bodies) Regulations 1992* (see *Gazette* 11 June 1992 p. 1698);
- (k) the *Local Government (Section 193—Prescribed Municipalities) Regulations 1989* (see *Gazette* 22 December 1988 p. 2122);
- (l) the *Local Government (Section 201—Prescribed Controlling Authorities) Regulations 1997* (see *Gazette* 11 September 1997 p. 803);
- (m) the *Local Government (Valuation) Regulations 1989* (see *Gazette* 22 December 1988 p. 2123), as varied.

Interpretation

4. (1) In these regulations, unless the contrary intention appears—

"Act" means the *Local Government Act 1999*.

(2) In these regulations, a reference to a form of a particular number is a reference to a form of that number set out in schedule 1.

Public initiated submissions before Panel—prescribed notice

5. For the purposes of section 28(21) of the Act, public notice of a proposal must comply with the form set out as Form 1.

Member's declaration

6. For the purposes of section 60 of the Act—

- (a) a member must make an undertaking under that section in the form set out as Form 2; and
- (b) the undertaking must be made before a Justice of the Peace or some other person authorised to take declarations under the *Oaths Act 1936*.

Register of interests—members

7. (1) For the purposes of clause 2(1) of schedule 3 of the Act, a primary return under section 65 of the Act must be in the form set out as Form 3.

(2) For the purposes of clause 2(2) of schedule 3 of the Act, an ordinary return under section 66 of the Act must be in the form set out as Form 4.

Register of interests—officers

8. (1) A word or expression used in this regulation that is defined in subclause (1) of clause 1 of schedule 3 of the Act has the same meaning in this regulation as in that subclause (and as if any reference in that subclause to a "member" were a reference to an officer to whom Division 2 of Part 4 of Chapter 7 of the Act applies).

(2) For the purposes of this regulation, a person who is an object of a discretionary trust is to be taken to be a beneficiary of that trust.

(3) For the purpose of this regulation, a person is an investor in a body if—

- (a) the person has deposited money with, or lent money to, the body that has not been repaid and the amount not repaid equals or exceeds \$10 000; or
- (b) the person holds, or has a beneficial interest in, shares in, or debentures of, the body or a policy of life insurance issued by the body.

(4) For the purposes of this regulation, in relation to a return by an officer—

- (a) two or more separate contributions made by the same person for or towards the cost of travel undertaken by the officer or a member of the officer's family during the return period are to be treated as one contribution for or towards the cost of travel undertaken by the officer;
- (b) two or more separate gifts received by the officer or a person related to the officer from the same person during the return period are to be treated as one gift received by the officer;

- (c) two or more separate transactions to which the officer or a person related to the officer is a party with the same person during the return period under which the officer or a person related to the officer has had the use of property of the other person (whether or not being the same property) during the return period are to be treated as one transaction under which the officer has had the use of property of the other person during the return period.

(5) For the purposes of section 115 of the Act, a primary return must be in the form set out as Form 5 and contain the following information:

- (a) a statement of any income source that the officer required to submit the return or a person related to the officer has or expects to have in the period of 12 months after the date of the primary return; and
- (b) the name of any company, or other body, corporate or unincorporate, in which the officer or a member of his or her family holds any office whether as director or otherwise; and
- (c) the information required by subregulation (7).

(6) For the purposes of section 115 of the Act, an ordinary return must be in the form set out as Form 6 and contain the following information:

- (a) if the officer required to submit the return or a person related to the officer received, or was entitled to receive, a financial benefit during any part of the return period—the income source of the financial benefit; and
- (b) if the officer or a member of his or her family held an office whether as director or otherwise in any company or other body, corporate or unincorporate, during the return period—the name of the company or other body; and
- (c) the source of any contribution made in cash or in kind of or above the amount or value of \$750 (other than any contribution by the council, by the State, by an employer or by a person related by blood or marriage) for or towards the cost of any travel beyond the limits of South Australia undertaken by the officer or a member of his or her family during the return period, and for the purposes of this paragraph "cost of travel" includes accommodation costs and other costs and expenses associated with the travel; and
- (d) particulars (including the name of the donor) of any gift of or above the amount or value of \$750 received by the officer or a person related to the officer during the return period from a person other than a person related by blood or marriage to the officer or to a member of the officer's family; and
- (e) if the officer or a person related to the officer has been a party to a transaction under which the officer or person related to the officer has had the use of property of the other person during the return period and—
 - (i) the use of the property was not acquired for adequate consideration or through an ordinary commercial transaction or in the ordinary course of business; and
 - (ii) the market price for acquiring a right to such use of the property would be \$750 or more; and

- (iii) the person granting the use of the property was not related by blood or marriage to the officer or to a member of the officer's family,

the name and address of that person; and

- (f) the information required by subregulation (7).

(7) For the purposes of this regulation, a return (whether primary or ordinary) must contain the following information:

- (a) the name or description of any company, partnership, association or other body in which the officer required to submit the return or a person related to the officer is an investor; and
- (b) a concise description of any trust (other than a testamentary trust) of which the officer or a person related to the officer is a beneficiary or trustee (including the name and address of each trustee); and
- (c) the address or description of any land in which the officer or a person related to the officer has any beneficial interest other than by way of security for any debt; and
- (d) any fund in which the officer or a person related to the officer has an actual or prospective interest to which contributions are made by a person other than the officer or a person related to the officer; and
- (e) if the officer or a person related to the officer is indebted to another person (not being related by blood or marriage to the officer or to a member of the officer's family) in an amount of or exceeding \$7 500—the name and address of that other person; and
- (f) if the officer or a person related to the officer is owed money by a natural person (not being related to the officer or a member of the officer's family by blood or marriage) in an amount of or exceeding \$10 000—the name and address of that person; and
- (g) any other substantial interest whether of a pecuniary nature or not of the officer or of a person related to the officer of which the officer is aware and which he or she considers might appear to raise a material conflict between his or her private interest and the duty that he or she has or may subsequently have as an officer of the council.

(8) An officer is required by this regulation only to disclose information that is known to the officer or ascertainable by the officer by the exercise of reasonable diligence.

(9) Nothing in this regulation requires an officer to disclose information relating to a person as trustee of a trust unless the information relates to the person in the person's capacity as trustee of a trust by reason of which the person is related to the officer.

(10) An officer may include in a return such additional information as the officer thinks fit.

(11) Nothing in this regulation will be taken to prevent an officer from disclosing information required by this regulation in such a way that no distinction is made between information relating to the officer personally and information relating to a person related to the officer.

(12) Nothing in this regulation requires disclosure of the actual amount or extent of a financial benefit, gift, contribution or interest.

Annual reports

9. (1) Pursuant to section 131(5)(b) of the Act, the South Australian Local Government Grants Commission is a prescribed body.

(2) For the purposes of subsection (5) of section 131 of the Act, the relevant day by which an annual report must be submitted by a council under that subsection is 31 December in the financial year immediately following the end of the financial year to which the annual report relates.

Land use categories

10. (1) In this regulation—

"**Development Regulations**" means the *Development Regulations 1993*.

(2) For the purposes of section 156 and 167 of the Act, the following categories of land use are declared as a permissible differentiating factors:

1. *Residential* comprising the use of land for a detached dwelling, group dwelling, multiple dwelling, residential flat building, row dwelling or semi-detached dwelling within the meaning of the Development Regulations.
2. *Commercial—Shop* comprising the use of land for a shop within the meaning of the Development Regulations.
3. *Commercial—Office* comprising the use of land for an office within the meaning of the Development Regulations.
4. *Commercial—Other* comprising any other commercial use of land not referred to in categories 2 or 3.
5. *Industry—Light* comprising the use of land for a light industry within the meaning of the Development Regulations.
6. *Industry—Other* comprising any other industrial use of land not referred to in category 5.
7. *Primary Production* comprising—
 - (a) farming within the meaning of the Development Regulations; and
 - (b) horticulture within the meaning of the Development Regulations; and
 - (c) the use of land for horse keeping or intensive animal keeping within the meaning of the Development Regulations; and
 - (d) in respect of a dairy situated on a farm—the use of land for a dairy within the meaning of the Development Regulations; and
 - (e) commercial forestry.
8. *Vacant land* comprising the non-use of vacant land.
9. *Other* comprising any other use of land not referred to in a previous category.

Notice of valuation

11. For the purposes of section 168(3)(c) of the Act, notice of a valuation made by a valuer employed or engaged by the council must be given to the principal ratepayer in respect of the land to which the valuation relates—

- (a) by showing the valuation in an account for the payment of rates in respect of the land sent to the principal ratepayer at his or her address shown in the assessment record; or
- (b) by sending a notice to the principal ratepayer at his or her address shown in the assessment record in which the council—
 - (i) identifies the land to which the valuation relates; and
 - (ii) sets out the valuation.

Objections to valuations made by a council

12. (1) For the purposes of subsection (9)(a) of section 169 of the Act, a request under subsection (8) of that section must be made in the form set out as Form 7.

(2) For the purposes of section 169 of the Act, the fees set out as items 1 and 2 in schedule 2 are prescribed.

Rates notice

13. (1) Pursuant to subsection (2) of section 180 of the Act, a rates notice under that section must incorporate, or be accompanied by, the following information:

- (a) the location or address of the land; and
- (b) the relevant assessment number; and
- (c) the basis on which the rate or charge is declared (*see* especially section 151 of the Act); and
- (d) the valuation method used for the purposes of valuing the relevant land and the valuation adopted for the land; and
- (e) in the case of a differential rate—the differentiating factor including—
 - (i) if the differentiating factor is or includes the use of the land—that land use;
 - (ii) if the differentiating factor is or includes the locality of the land—that locality; and
- (f) the date on which the rate or charge was declared; and
- (g) if relevant, the rate in the dollar that has been declared; and
- (h) the date or dates on which a payment or payments of the rate or charge will fall due under the Act; and
- (i) if relevant, details of any minimum amount that has been fixed under section 158 of the Act as part of the declaration of a rate; and

- (j) details of any rebate, remission, concession or deduction that applies with respect to the imposition of the rate or charge in relation to the relevant land; and
- (k) the total amount payable by the ratepayer; and
- (l) the options and arrangements that are available for payment of the rate or charge; and
- (m) a brief description of the processes that apply under the Act—
 - (i) to object to the attribution of a particular land use (if relevant);
 - (ii) to object to the valuation adopted for the relevant land; and
- (n) a contact telephone number for ratepayer enquiries; and
- (o) a brief summary of the penalties that apply under the Act if an instalment of rates, or a charge, is not paid on or before the date on which it falls due (*see* especially section 181(8) of the Act); and
- (p) a brief statement concerning the entitlement of ratepayers to be included on the voters roll for the relevant area.

(2) A rates notice may relate to more than one rate or charge (or to a combination of one or more rates and one or more charges).

Certificates of liabilities—fee

14. For the purposes of section 187(3)(e) of the Act, the fee set out as item 3 in schedule 2 is prescribed.

Compulsory acquisition of land

15. Pursuant to section 191(2) of the Act, the following are classified as approved purposes for which Ministerial approval is not required for the compulsory acquisition of land:

- (a) a purpose for which the compulsory acquisition of land is approved or authorised under an Act;
- (b) for the acquisition of land required for the construction of a septic tank effluent drainage scheme;
- (c) for the acquisition of land required for the purpose of carrying out work for the prevention or mitigation of floods.

Register of community land

16. For the purposes of subsection (2)(a) of section 207 of the Act, a register of community land under that section must contain, in respect of each piece of community land in the area:

- (a) the legal description of the land (being, in the case of land that has been brought under the provisions of the *Real Property Act 1886*, the Certificate of Title Register Book Volume and Folio Numbers); and
- (b) the street address of the land (if any); and
- (c) the name of the locality or suburb in which the land is situated; and

- (d) the name by which the land is commonly known (if any); and
- (e) the area of the land; and
- (f) the name of the owner of the land (*see* sections 4 and 189 of the Act); and
- (g) details concerning any lease or licence granted over the land.¹

¹. The register must also contain copies of current management plans—*see* section 207(2)(b) of the Act.

Public consultation—s. 223

17. (1) Pursuant to section 223(1)(c) of the Act, public consultation is required in relation to a proposal—

- (a) to authorise the use of a road for cultivation purposes under section 222(1) of the Act where any part of the road is to be fenced; or
- (b) to authorise the use of a road for any other business purpose under section 222(1) of the Act where any part of the road is to be fenced, enclosed or partitioned so as to impede the passage of traffic to a material degree.

(2) Pursuant to subsection (2) of section 223 of the Act—

- (a) the Office of Recreation and Sport; and
- (b) Planning SA in the Department of Transport, Urban Planning and the Arts,

must be notified of any proposal to grant an authorisation within the ambit of subregulation (1)(a), other than in relation to a road that has been formed and surfaced.

Register of public roads

18. For the purposes of subsection (2) of section 231 of the Act, a register of public roads under that section must include, in respect of each public road, the following information:

- (a) the name of the public road; and
- (b) the situation of the public road; and
- (c) the approximate extent of the public road; and
- (d) the approximate width of the public road; and
- (e) within the public road—the approximate width of the carriageway, including any associated kerbing, verges or footpaths (where formed).

By-laws—certificate of legal practitioner

19. For the purposes of section 249(4) of the Act, the form set out as Form 8 is prescribed.

Review of an order

20. (1) For the purposes of section 256(2) of the Act, the following information is prescribed:

- (a) a statement that it is possible for the person to whom the order is directed to apply for a review of the order under the Act; and

- (b) a statement that an application for review is made to the District Court and should be made within 14 days after service of the order; and
 - (c) a statement that the operation of the order continues pending the determination of an application for review unless the District Court, or the council, makes an interim order suspending the operation of the order; and
 - (d) a statement that the District Court has the power, if satisfied that it is appropriate and just in the circumstances to do so, to vary or set aside the order on an application for review.
- (2) A statement under section 256(1) of the Act may also include—
- (a) a statement about the ability of the council to vary or revoke the order if satisfied that it is appropriate to do so; and
 - (b) a warning that if the order is not complied with within the time fixed for compliance or, if relevant, within 14 days after the completion of any review, then the council may—
 - (i) take the action required by the order (subject to the outcome of any review); and
 - (ii) recover the reasonable costs and expenses incurred by the council in taking that action from a person who fails to comply with the requirements of the order.

Prescribed percentage rate—s. 257(5)(a)

21. For the purposes of section 257(5)(a) of the Act, the prescribed percentage rate per annum will be the cash advance debenture rate for the financial year in which the period within which the relevant amount must be paid expires.

Local government indemnity schemes

22. For the purposes of clause 2(1)(b)(iii) of schedule 1 of the Act, the following are prescribed bodies:

Southern Success Business Enterprise Centre Inc
Northern Regional Development Board
Fleurieu Regional Development Corporation
Northern Adelaide Development Board Inc
Control Boards established under the *Animal and Plant Control (Agricultural Protection and Other Purposes) Act 1986*
Local Government Finance Authority of South Australia
Local Government Superannuation Scheme
Local Government Training Authority of SA Inc
Council Purchasing Co-operative Limited
Flinders Mobile Library
Maxima Training Group Inc.

SCHEDULE 1*Forms***Form 1****LOCAL GOVERNMENT ACT 1999: SECTION 28***Notice of a proposal*

PUBLIC NOTICE is given of a proposal submitted to the *Boundary Adjustment Facilitation Panel* under section 28 of the *Local Government Act 1999*.

The proposal relates to the following councils and their areas:

The proposal was submitted to the Panel on:

The Panel provides the following information in relation to the proposal:

The *Local Government Act 1999* provides that a poll of electors must be conducted in relation to the proposal if the required number of electors request a poll. To request a poll, the following steps must be taken:

You should direct any questions concerning the matters contained in this notice to:

Form 2
LOCAL GOVERNMENT ACT 1999: SECTION 60

*Undertaking to be made by a member of a council before
assuming office*

I,¹..... having been elected or appointed to the office of a
member of²..... do hereby undertake to discharge my
duties conscientiously and to the best of my abilities.

³.....
Signature

This undertaking was made before me on the.....day of.....⁴

⁵.....
*Justice of the Peace, etc.*⁶

1. Insert full name of member of the council.
2. Insert full name of council.
3. Insert signature of member.
4. Insert date on which undertaking is made.
5. Insert signature of person before whom undertaking is made.
6. The undertaking must be made before a Justice of the Peace or other person authorised to take declarations under the *Oaths Act 1936* (being a Commissioner for Taking Affidavits, or a proclaimed manager of an office of a bank, building society or credit union, or a proclaimed member of the police force).

FORM 3
Register of Members' Interests
Primary Return

1. Please read instructions and notes below before completing this return.

SURNAME	OTHER NAMES
<hr/>	
OFFICE HELD	
Registrable interests	Details
<p>1. Provide a statement of any income source² that you have or a person related to you³ has or expects to have in the period of 12 months after the date of the primary return.</p>	
<p>2. State the name of any company or other body, corporate or unincorporate, in which you hold, or a member of your family⁴ holds, any office whether as director or otherwise.</p>	
<p>3. State the name or description of any company, partnership, association or other body in which you or a person related to you³ is an investor⁵.</p>	
<p>4. State the name of any political party, any body or association formed for political purposes or any trade or professional organisation⁶ of which you are a member.</p>	
<p>5. Provide a concise description of any trust (other than a discretionary trust) of which you or a person related to you³ is a beneficiary or trustee, and the name and address of each trustee.</p>	
<p>6. Provide the address or description of any land in which you have or a person related to you³ has any beneficial interest⁷ other than by way of security for any debt.</p>	
<p>7. Provide details of any fund in which you or a person related to you³ has an actual or prospective interest to which contributions are made by a person other than you or a person related to you³.</p>	
<p>8. If you are or a person related to you³ is indebted to another person (not being related by blood or marriage) in an amount of or exceeding \$7 500—state the name and address of that other person.</p>	
<p>9. If you are or a person related to you³ is owed money by a natural person (not being related by blood or marriage) in an amount of or exceed \$10 000—state that person</p>	
<p>10. Declare any other substantial interest of yours or of a person related to you whether of a pecuniary nature or not, of which you are aware and which you consider might appear to raise a material conflict between your private interest and the public duty that you have or may subsequently have as a member of the council.</p>	

-
11. Provide any other additional information which you think fit.

Signature of Member

Date / /

INSTRUCTIONS/NOTES

1. This return is to be completed in block letters except for signatures. If there is not sufficient space on this return for all of the information you are required to provide, you may attach additional papers for that purpose. Each such paper must be signed and dated.
2. Under the Act, "**income source**", in relation to a person, means—
 - (a) any person or body of persons with whom the person entered into a contract of service or held any paid office; and
 - (b) any trade, vocation, business or profession engaged in by the person.
- 3.1 Under the Act, "**a person related to a member**" means—
 - (a) a member of the member's family;
 - (b) a family company of the member;
 - (c) a trustee of a family trust of the member.
- 3.2 A "**family company**" of a member means a proprietary company—
 - (a) in which the member or a member of the member's family is a shareholder; and
 - (b) in respect of which the member or a member of the member's family, or any such persons together, are in a position to cast, or control the casting or, more than one-half of the maximum number of votes that might be cast at a general meeting of the company.
- 3.3 A "**family trust**" of a member means a trust (other than a testamentary trust)—
 - (a) of which the member or a member of the member's family is a beneficiary; and
 - (b) which is established or administered wholly or substantially in the interests of the member or a member of the member's family, or any such persons together.
- 4.1 Under the Act, "**family**", in relation to a member, means—
 - (a) a spouse of the member; and
 - (b) a child of the member who is under the age of the age of 18 years and normally resides with the member.
- 4.2 A "**spouse**" includes a *de facto* spouse.

5. For the purpose of this return, a person is an investor in a body if—
- (a) the person has deposited money with, or lent money to, the body that has not been repaid and the amount not repaid equals or exceeds \$10 000; or
 - (b) the person holds, or has a beneficial interest in, shares in, or debentures of, the body or a policy of life insurance issued by the body.
6. Under the Act, "**trade or professional organisation**" means a body, corporate or unincorporate, of—
- (a) employers or employees; or
 - (b) persons engaged in a profession, trade or other occupation,
- being a body of which the object, or one of the objects, in the furtherance of its own professional, industrial or economic interest or those of any of its members.
7. Under the Act, "**beneficial interest**" in property includes a right to re-acquire the property.

NOTE:

- A member is required only to disclose information that is known to the member or ascertainable by the member by the exercise of reasonable diligence.
- A member is not required to disclose information relating to a person as trustee of a trust unless the information relates to the person in the person's capacity as trustee of a trust by reason of which the person is related to the member.
- A member may include in a return such additional information as the member thinks fit.
- Nothing in this return will be taken to prevent a member from disclosing information in such a way that no distinction is made between information relating to the member personally and information relating to a person related to the member.
- A member is not required to disclose the actual amount or extent of a financial benefit, gift, contribution or interest.

Form 4
Register of Members' Interests
Ordinary return

1. Please read instructions and notes below before completing this return.

SURNAME

OTHER NAMES

OFFICE HELD

Registrable interests

Details

1. Provide a statement of any income source of a financial benefit² that you have or a person related to you³ has received, or was entitled to receive, during the return period.

2. State the name of any company or other body, corporate or unincorporate, in which you held, or a member of your family⁴ held, any office during the return period whether as director or otherwise.

3. If you, or a member of your family, received a contribution in cash or in kind of or above the amount of \$750 for or towards the cost of travel⁵ beyond the limits of the State during the return period (other than a contribution by the council, the State, an employer or a person related to you by blood or marriage), state the source of the contribution.

4. Provide particulars (including the name of donor) of any gift⁶ of or above the amount or value of \$750 received by you or a person related to you³ during the return period other than a person related by blood or marriage.

5. If you, or a person related to you³, has, as a party to a transaction, had the use of property of the other person during the return period and (a) the use of property was not acquired for adequate consideration or through an ordinary commercial transaction or in the ordinary course of business; and (b) the market value of the right is \$750 or more; and (c) the person granting the right is not related by blood or marriage, state the name and address of that other person.

6. State the name or description of any company, partnership, association or other body in which you or a person related to you³ is an investor⁷.

7. State the name of any political party, any body or association formed for political purposes or any trade or professional organisation⁸ of which you are a member.

8. Provide a concise description of any trust (other than a discretionary trust) of which you or a person related to you³ is a beneficiary or trustee, and the name and address of each trustee.

-
9. Provide the address or description of any land in which you have or a person related to you³ has any beneficial interest⁹ other than by way of security for any debt.
-
10. Provide details of any fund in which you or a person related to you³ has an actual or prospective interest to which contributions are made by a person other than you or a person related to you³.
-
11. If you are or a person related to you³ is indebted to another person (not being related by blood or marriage) in an amount of or exceeding \$7 500—state the name and address of that other person.
-
12. If you are or a person related to you³ is owed money by a natural person (not being related by blood or marriage) in an amount of or exceed \$10 000—state that person
-
13. Declare any other substantial interest of yours or of a person related to you whether of a pecuniary nature or not, of which you are aware and which you consider might appear to raise a material conflict between your private interest and the public duty that you have or may subsequently have as a member of the council.
-
14. Provide any other additional information which you think fit.
-

Signature of Member

Date / /

INSTRUCTIONS/NOTES

- 1.1 This return is to be completed in block letters except for signatures. If there is not sufficient space on this return for all of the information you are required to provide, you may attach additional papers for that purpose. Each such paper must be signed and dated.
- 1.2 The **return period** for the purposes of this return is as follows:
- (a) if your last return was a **primary return** under the Act—the period between the date of the primary return and 30 June next following;
- (b) in any other case—the period of 12 months expiring on 30 June, or within 60 days after 30 June in any year.
- 2.1 Under the Act, "**income source**", in relation to a person, means—
- (a) any person or body of persons with whom the person entered into a contract of service or held any paid office; and
- (b) any trade, vocation, business or profession engaged in by the person.

2.2 Under the Act, "**financial benefit**", in relation to a person, means—

- (a) any remuneration, fee or other pecuniary sum exceeding \$1 000 received by the person in respect of a contract of service entered into, or paid office held by, the person; and
- (b) the total of all remuneration, fees or other pecuniary sums received by the person in respect of a trade, profession, business or vocation engaged in by the person where that total exceeds \$1 000,

but does not include an annual allowance, fees, expenses or other financial benefit payable to the person under the Act.

3.1 Under the Act, "**a person related to a member**" means—

- (a) a member of the member's family;
- (b) a family company of the member;
- (c) a trustee of a family trust of the member.

3.2 A "**family company**" of a member means a proprietary company—

- (a) in which the member or a member of the member's family is a shareholder; and
- (b) in respect of which the member or a member of the member's family, or any such persons together, are in a position to cast, or control the casting or, more than one-half of the maximum number of votes that might be cast at a general meeting of the company.

3.3 A "**family trust**" of a member means a trust (other than a testamentary trust)—

- (a) of which the member or a member of the member's family is a beneficiary; and
- (b) which is established or administered wholly or substantially in the interests of the member or a member of the member's family, or any such persons together.

4.1 Under the Act, "**family**", in relation to a member, means—

- (a) a spouse of the member; and
- (b) a child of the member who is under the age of the age of 18 years and normally resides with the member.

4.2 A "**spouse**" includes a *de facto* spouse.

5. The "**cost of travel**" includes accommodation costs and other costs and expenses associated with the travel.

6. Under the Act, "**gift**" means a transaction in which a benefit of pecuniary value is conferred without consideration or for less than adequate consideration, but does not include an ordinary commercial transaction or a transaction in the ordinary course of business.

7. For the purpose of this return, a person is an investor in a body if—

- (a) the person has deposited money with, or lent money to, the body that has not been repaid and the amount not repaid equals or exceeds \$10 000; or
- (b) the person holds, or has a beneficial interest in, shares in, or debentures of, the body or a policy of life insurance issued by the body.

8. Under the Act, "trade or professional organisation" means a body, corporate or unincorporate, of—

- (a) employers or employees; or
- (b) persons engaged in a profession, trade or other occupation,

being a body of which the object, or one of the objects, in the furtherance of its own professional, industrial or economic interest or those of any of its members.

9. Under the Act, "beneficial interest" in property includes a right to re-acquire the property.

NOTE:

- In relation to a return by a member—
 - (a) two or more separate contributions made by the same person for or towards the cost of travel undertaken by the member or a member of the member's family during the return period are to be treated as one contribution for or towards the cost of travel undertaken by the member;
 - (b) two or more separate gifts received by the member or a person related to the member from the same person during the return period are to be treated as one gift received by the member;
 - (c) two or more separate transactions to which the member or a person related to the member is a party with the same person during the return period under which the member or a person related to the member has had the use of property of the other person (whether or not being the same property) during the return period are to be treated as one transaction under which the member has had the use of property of the other person during the return period.
- A member is required only to disclose information that is known to the member or ascertainable by the member by the exercise of reasonable diligence.
- A member is not required to disclose information relating to a person as trustee of a trust unless the information relates to the person in the person's capacity as trustee of a trust by reason of which the person is related to the member.
- A member may include in a return such additional information as the member thinks fit.
- Nothing in this return will be taken to prevent a member from disclosing information in such a way that no distinction is made between information relating to the member personally and information relating to a person related to the member.
- A member is not required to disclose the actual amount or extent of a financial benefit, gift, contribution or interest.

Form 5
Register of Interests—Officers
Primary Return

1. Please read instructions and notes below before completing this return.

SURNAME

OTHER NAMES

OFFICE HELD

Registrable interests

Details

1. Provide a statement of any income source² that you have or a person related to you³ has or expects to have in the period of 12 months after the date of the primary return.

2. State the name of any company or other body, corporate or unincorporate, in which you hold, or a member of your family⁴ holds, any office whether as director or otherwise.

3. State the name or description of any company, partnership, association or other body in which you or a person related to you³ is an investor⁵.

4. Provide a concise description of any trust (other than a discretionary trust) of which you or a person related to you³ is a beneficiary or trustee, and the name and address of each trustee.

5. Provide the address or description of any land in which you have or a person related to you³ has any beneficial interest⁶ other than by way of security for any debt.

6. Provide details of any fund in which you or a person related to you³ has an actual or prospective interest to which contributions are made by a person other than you or a person related to you³.

7. If you are or a person related to you³ is indebted to another person (not being related by blood or marriage) in an amount of or exceeding \$7 500—state the name and address of that other person.

8. If you are or a person related to³ is owed money by a natural person (not being related by blood or marriage) in an amount of or exceed \$10 000—state that person

9. Declare any other substantial interest of yours or of a person related to you whether of a pecuniary nature or not, of which you are aware and which you consider might appear to raise a material conflict between your private interest and the duty that you have or may subsequently have as an officer of the council.

-
10. Provide any other additional information which you think fit.

Signature of Officer

Date / /

INSTRUCTIONS/NOTES

1. This return is to be completed in block letters except for signatures. If there is not sufficient space on this return for all of the information you are required to provide, you may attach additional papers for that purpose. Each such paper must be signed and dated.
2. Under the regulations, "**income source**", in relation to a person, means—
 - (a) any person or body of persons with whom the person entered into a contract of service or held any paid office; and
 - (b) any trade, vocation, business or profession engaged in by the person.
- 3.1 Under the regulations, "**a person related to an officer**" means—
 - (a) a member of the officer's family;
 - (b) a family company of the officer;
 - (c) a trustee of a family trust of the officer.
- 3.2 A "**family company**" of an officer means a proprietary company—
 - (a) in which the officer or a member of the officer's family is a shareholder; and
 - (b) in respect of which the officer or a member of the officer's family, or any such persons together, are in a position to cast, or control the casting or, more than one-half of the maximum number of votes that might be cast at a general meeting of the company.
- 3.3 A "**family trust**" of an officer means a trust (other than a testamentary trust)—
 - (a) of which the officer or a member of the officer's family is a beneficiary; and
 - (b) which is established or administered wholly or substantially in the interests of the officer or a member of the officer's family, or any such persons together.
- 4.1 Under the regulations, "**family**", in relation to an officer, means—
 - (a) a spouse of the officer; and
 - (b) a child of the officer who is under the age of the age of 18 years and normally resides with the officer.
- 4.2 A "**spouse**" includes a *de facto* spouse.

5. For the purpose of this return, a person is an investor in a body if—
- (a) the person has deposited money with, or lent money to, the body that has not been repaid and the amount not repaid equals or exceeds \$10 000; or
 - (b) the person holds, or has a beneficial interest in, shares in, or debentures of, the body or a policy of life insurance issued by the body.
6. Under the regulations, "beneficial interest" in property includes a right to re-acquire the property.

NOTE:

- An officer is required only to disclose information that is known to the officer or ascertainable by the officer by the exercise of reasonable diligence.
- An officer is not required to disclose information relating to a person as trustee of a trust unless the information relates to the person in the person's capacity as trustee of a trust by reason of which the person is related to the officer.
- An officer may include in a return such additional information as the officer thinks fit.
- Nothing in this return will be taken to prevent an officer from disclosing information in such a way that no distinction is made between information relating to the officer personally and information relating to a person related to the officer.
- An officer is not required to disclose the actual amount or extent of a financial benefit, gift, contribution or interest.

Form 6
Register of Interests—Officers
Ordinary return

1. Please read instructions and notes below before completing this return.

SURNAME	OTHER NAMES
OFFICE HELD	
Registrable interests	Details
1. Provide a statement of any income source of a financial benefit ² that you have or a person related to you ³ has received, or was entitled to receive, during the return period.	
2. State the name of any company or other body, corporate or unincorporate, in which you held, or a member of your family ⁴ held, any office during the return period whether as director or otherwise.	
3. If you, or a member of your family, received a contribution in cash or in kind of or above the amount of \$750 for or towards the cost of travel ⁵ beyond the limits of the State during the return period (other than a contribution by the council, the State, an employer or a person related to you by blood or marriage), state the source of the contribution.	
4. Provide particulars (including the name of donor) of any gift ⁶ of or above the amount or value of \$750 received by you or a person related to you ³ during the return period other than a person related by blood or marriage.	
5. If you, or a person related to you ³ , has, as a party to a transaction, had the use of property of the other person during the return period and (a) the use of property was not acquired for adequate consideration or through an ordinary commercial transaction or in the ordinary course of business; and (b) the market value of the right is \$750 or more; and (c) the person granting the right is not related by blood or marriage, state the name and address of that other person.	
6. State the name or description of any company, partnership, association or other body in which you or a person related to you ³ is an investor ⁷ .	
7. Provide a concise description of any trust (other than a discretionary trust) of which you or a person related to you ³ is a beneficiary or trustee, and the name and address of each trustee.	
8. Provide the address or description of any land in which you have or a person related to you ³ has any beneficial interest ⁸ other than by way of security for any debt.	

9. Provide details of any fund in which you or a person related to you³ has an actual or prospective interest to which contributions are made by a person other than you or a person related to you³.

10. If you are or a person related to you³ is indebted to another person (not being related by blood or marriage) in an amount of or exceeding \$7 500—state the name and address of that other person.

11. If you are or a person related to you³ is owed money by a natural person (not being related by blood or marriage) in an amount of or exceed \$10 000—state that person

12. Declare any other substantial interest of yours or of a person related to you whether of a pecuniary nature or not, of which you are aware and which you consider might appear to raise a material conflict between your private interest and the duty that you have or may subsequently have as an officer of the council.

13. Provide any other additional information which you think fit.

Signature of Officer

Date / /

INSTRUCTIONS/NOTES

1.1 This return is to be completed in block letters except for signatures. If there is not sufficient space on this return for all of the information you are required to provide, you may attach additional papers for that purpose. Each such paper must be signed and dated.

1.2 The **return period** for the purposes of this return is as follows:

- (a) if your last return was a **primary return** under the Act—the period between the date of the primary return and 30 June next following;
- (b) in any other case—the period of 12 months expiring on 30 June, or within 60 days after 30 June in any year.

2.1 Under the regulations, "**income source**", in relation to a person, means—

- (a) any person or body of persons with whom the person entered into a contract of service or held any paid office; and
- (b) any trade, vocation, business or profession engaged in by the person.

2.2 Under the regulations, "**financial benefit**", in relation to a person, means—

- (a) any remuneration, fee or other pecuniary sum exceeding \$1 000 received by the person in respect of a contract of service entered into, or paid office held by, the person; and
- (b) the total of all remuneration, fees or other pecuniary sums received by the person in respect of a trade, profession, business or vocation engaged in by the person where that total exceeds \$1 000,

but does not include an annual allowance, fees, expenses or other financial benefit payable to the person under the Act.

3.1 Under the regulations, "**a person related to an officer**" means—

- (a) a member of the officer's family;
- (b) a family company of the officer;
- (c) a trustee of a family trust of the officer.

3.2 A "**family company**" of an officer means a proprietary company—

- (a) in which the officer or a member of the officer's family is a shareholder; and
- (b) in respect of which the officer or a member of the officer's family, or any such persons together, are in a position to cast, or control the casting or, more than one-half of the maximum number of votes that might be cast at a general meeting of the company.

3.3 A "**family trust**" of an officer means a trust (other than a testamentary trust)—

- (a) of which the officer or a member of the officer's family is a beneficiary; and
- (b) which is established or administered wholly or substantially in the interests of the officer or a member of the officer's family, or any such persons together.

4.1 Under the regulations, "**family**", in relation to an officer, means—

- (a) a spouse of the officer; and
- (b) a child of the officer who is under the age of the age of 18 years and normally resides with the officer.

4.2 A "**spouse**" includes a *de facto* spouse.

5. The "**cost of travel**" includes accommodation costs and other costs and expenses associated with the travel.

6. Under the regulations, "**gift**" means a transaction in which a benefit of pecuniary value is conferred without consideration or for less than adequate consideration, but does not include an ordinary commercial transaction or a transaction in the ordinary course of business.

7. For the purpose of this return, a person is an investor in a body if—

- (a) the person has deposited money with, or lent money to, the body that has not been repaid and the amount not repaid equals or exceeds \$10 000; or
- (b) the person holds, or has a beneficial interest in, shares in, or debentures of, the body or a policy of life insurance issued by the body.

8. Under the regulations, "**beneficial interest**" in property includes a right to re-acquire the property.

NOTE:

- In relation to a return by an officer—
 - (a) two or more separate contributions made by the same person for or towards the cost of travel undertaken by the officer or a member of the officer's family during the return period are to be treated as one contribution for or towards the cost of travel undertaken by the officer;
 - (b) two or more separate gifts received by the officer or a person related to the officer from the same person during the return period are to be treated as one gift received by the officer;
 - (c) two or more separate transactions to which the officer or a person related to the officer is a party with the same person during the return period under which the officer or a person related to the officer has had the use of property of the other person (whether or not being the same property) during the return period are to be treated as one transaction under which the officer has had the use of property of the other person during the return period.
- An officer is required only to disclose information that is known to the officer or ascertainable by the officer by the exercise of reasonable diligence.
- An officer is not required to disclose information relating to a person as trustee of a trust unless the information relates to the person in the person's capacity as trustee of a trust by reason of which the person is related to the officer.
- An officer may include in a return such additional information as the officer thinks fit.
- Nothing in this return will be taken to prevent an officer from disclosing information in such a way that no distinction is made between information relating to the officer personally and information relating to a person related to the officer.
- An officer is not required to disclose the actual amount or extent of a financial benefit, gift, contribution or interest.

Form 7
LOCAL GOVERNMENT ACT 1999: SECTION 169
APPLICATION FOR REVIEW OF VALUATION

NOTE:

- 1. A separate application is required for each review sought and the grounds of review must be fully stated on the application Form.
2. Notwithstanding this review, any rate assessed on the valuation must be paid by the due date.

To: (Insert name of council)

I give notice that I seek a review of the Valuation No. located at:

House number
Street name
Suburb or town
Lot or Section
Hundred

I have previously objected to this valuation and an advice in relation to this objection from the council was dated . The *value/values as determined by the council and shown on the *notice/notices *is/are:

* Annual value \$
* Capital value \$
* Site value \$

I contend that the *value/values should be:

* Annual value \$
* Capital value \$
* Site value \$

*Delete irrelevant items.

A detailed statement of the grounds for this review application must be given below and should include a description of the land and premises and its present use.

(If space is insufficient, use the back of the form or attach a statement of grounds)

FORM 8
LOCAL GOVERNMENT ACT 1999: SECTION 249

CERTIFICATE OF VALIDITY

Please read the notes below before completing and signing this certificate

I, 1
of 2
being a legal practitioner within the meaning of the Legal Practitioners Act 1981, declare that I have
examined the following by-law:

3
.
.
.

and do certify that in my opinion:

4
has power to make the by-law by virtue of the following statutory provision:

5
.
.
.

and the by-law is not in conflict with the Local Government Act 1999.

6 DATED

7
Signature of Legal Practitioner

NOTES:

- 1. The full name of the legal practitioner must be inserted here.
2. The principal business address of the legal practitioner must be inserted here.
3. A description of the by-law sufficient properly to identify it must be inserted here.
The description must include the number of the by-law, the full name of the council which made it, and the date on which it was made.
4. The full name of the council which made the by-law must be inserted here.
5. A description of the statutory provision sufficient properly to identify it must be inserted here.
6. The date of the execution of the certificate must be inserted here.
7. The legal practitioner must place his or her usual signature here.

SCHEDULE 2
Prescribed fees

	\$
1. For the purposes of s. 169(9)(c) of the Act, where the valuation is—	
(a) of land used by the objector solely as his or her principal place of residence, the prescribed fee is	60
(b) of any other land, the prescribed fee is	147
2. For the purposes of s. 169(16) of the Act, where the valuation is—	
(a) of land used by the objector solely as his or her principal place of residence, the prescribed fee is	120
(b) of any other land, the prescribed fee is	147
3. For the purposes of s. 187(3)(e) of the Act	10.

MLG 14/99 CS

R. DENNIS Clerk of the Council

REGULATIONS UNDER THE LOCAL GOVERNMENT ACT 1999

No. 244 of 1999

At the Executive Council Office at Adelaide 25 November 1999

PURSUANT to the *Local Government Act 1999* and with the advice and consent of the Executive Council, I make the following regulations.

E. J. NEAL Governor

PURSUANT to section 10AA(2) of the *Subordinate Legislation Act 1978*, I certify that, in my opinion, it is necessary or appropriate that the following regulations come into operation as set out below.

IAIN EVANS Minister for Industry and Trade

SUMMARY OF PROVISIONS**PART 1
PRELIMINARY**

1. Citation
2. Commencement
3. Revocation
4. Interpretation

**PART 2
BUDGETS**

5. Form of council budgets
6. Provision of subsidiary budgets to councils
7. Reconsideration of budgets

**PART 3
ACCOUNTING PRINCIPLES**

8. Accounting standards
9. Revaluation of assets

**PART 4
FINANCIAL STATEMENTS**

10. Form of financial statements
11. Certification and adoption of council financial statements
12. Prescribed day
13. Provision of information

**PART 5
AUDIT****DIVISION 1—AUDIT STANDARDS**

14. Audit standards

DIVISION 2—SUBSIDIARIES

15. The auditor of a subsidiary
16. Reporting

**PART 6
OTHER MATTERS**

- 17. Long service leave
- 18. Duty to insure against liability

SCHEDULE

**PART 1
PRELIMINARY**

Citation

1. These regulations may be cited as the *Local Government (Financial Management) Regulations 1999*.

Commencement

2. These regulations will come into operation on the day on which Chapter 8 of the *Local Government Act 1999* comes into operation.

Revocation

3. The following regulations are revoked:

- (a) the *Local Government Accounting Regulations 1993* (see *Gazette* 29 April 1993 p. 1526), as varied;
- (b) the *Local Government (Long Service Leave) Regulations 1987* (see *Gazette* 12 February 1987 p. 354), as varied;
- (c) the *Local Government (Section 166a—Insurance) Regulations 1995* (see *Gazette* 23 March 1995 p. 1010).

Interpretation

4. In these regulations, unless the contrary intention appears—

"Act" means the *Local Government Act 1999*;

"**Australian Accounting Standard**" means any Australian Accounting Standard, as published and amended from time to time by the Institute of Chartered Accountants in Australia and the Australian Society of Certified Practising Accountants;

"budget" means—

- (a) a budget prepared by a council under section 123 of the Act; or
- (b) a budget prepared by a subsidiary under clause 9 of schedule 2 of the Act; or
- (c) a budget prepared by a regional subsidiary under clause 25 of schedule 2 of the Act;

"equity" means the residual interest in the assets of a council, council subsidiary or regional subsidiary after the deduction of its liabilities;

"financial statements" are constituted by the following:

- (a) an operating statement; and
- (b) a statement of financial position; and
- (c) a statement of changes in equity; and
- (d) a statement of cash flows,

prepared by a council, council subsidiary or regional subsidiary under the Act and include appropriate notes and other explanatory documentation to be read in conjunction with the statements referred to above;

"full cost attribution basis" means a system under which all costs, including indirect and overhead costs, are allocated to a function, activity, good or service on a reliable and consistent basis (which may be unique to a particular council, council subsidiary or regional subsidiary);

"infrastructure" means assets which are integral to public facilities that provide essential public services and which, once constructed, have indefinite lives of a long-term nature¹;

1. Examples: Roads, footpaths, bridges, storm-water drains, common effluent drainage systems, water pipes, windmills, jetties, monuments, bores.

"material" has the same meaning as in Australian Accounting Standard AAS 5.

PART 2 BUDGETS

Form of council budgets

5. (1) Pursuant to section 123(2)(b) of the Act, each budget of a council prepared under the Act must, in order to ensure that a direct comparison can be made between the budget and actual outcomes, include the following documents:

- (a) a budgeted operating statement; and
- (b) a budgeted statement of financial position; and
- (c) a budgeted statement of changes in equity; and
- (d) a budgeted statement of cash flows: and
- (e) a statement reconciling expected cash and non-cash revenues and expenses in order to provide a basis for determining the rates to be imposed by the council for the relevant financial year.

(2) The statements referred to in subregulation (1)(a), (b), (c) and (d) must be in accordance with the forms set out in the schedule.

Provision of subsidiary budgets to councils

6. (1) For the purposes of clause 9(2)(e) of schedule 2 of the Act, a copy of a budget adopted by a subsidiary must be provided to the chief executive officer of the relevant council within five business days after its adoption.

(2) For the purposes of clause 25(2)(e) of schedule 2 of the Act, a copy of a budget adopted by a regional subsidiary must be provided to the chief executive officer of each constituent council within five business days after its adoption.

Reconsideration of budgets

7. (1) A council, council subsidiary or regional subsidiary must reconsider its budget at least three times, at intervals of not less than three months, between 30 September and 31 May (both dates inclusive) in the relevant financial year.

(2) The first reconsideration of a budget under subregulation (1) in a particular financial year must include a review in relation to the audited financial statements of the council, council subsidiary or regional subsidiary (as the case may be) for the previous financial year.

PART 3 ACCOUNTING PRINCIPLES

Accounting standards

8. (1) Unless otherwise specified by these regulations, a council, council subsidiary or regional subsidiary must ensure that all accounting records, accounts and financial statements are prepared and maintained in accordance with all relevant Australian Accounting Standards.

(2) Unless otherwise required or permitted by another law, a council, council subsidiary or regional subsidiary must ensure that reporting on a function, activity, good or service of the council, council subsidiary or regional subsidiary contained in its financial statements, or in any other external financial report prepared by the council, council subsidiary or regional subsidiary, is made according to a full cost attribution basis.

(3) For the purposes of subregulation (2), an external financial report is a report of a financial nature prepared for the information and use of a person or body external to the council, the council subsidiary and the council which established the subsidiary, or the regional subsidiary and any constituent council (as the case may be).

(4) A council, council subsidiary or regional subsidiary is not required to comply with subregulation (2) until in respect of the 2002/2003 financial year.

Revaluation of assets

9. (1) A council, council subsidiary or regional subsidiary must undertake a revaluation of all material non-current assets in accordance with the requirements of any relevant Australian Accounting Standard.

(2) Unless otherwise determined by an Australian Accounting Standard, land and infrastructure must be revalued under subregulation (1) at least once in every five years.

(3) Revaluations may be undertaken on a rolling basis according to different classes or categories of assets.

**PART 4
FINANCIAL STATEMENTS**

Form of financial statements

10. The financial statements of a council, council subsidiary or regional subsidiary (other than notes and other explanatory documentation) must be in accordance with the forms set out in the schedule.

Certification and adoption of council financial statements

11. The following statements must be included on the final page of the financial statements of a council:

CHIEF EXECUTIVE OFFICER'S STATEMENT

I,..... the person for the time being
occupying the position of chief executive officer of
.....

do hereby state that the financial statements for the council for the/..... financial year are to the best of my knowledge presented fairly and in accordance with accounting procedures which have been maintained in accordance with the *Local Government Act 1999* and the *Local Government (Financial Management) Regulations 1999* made under that Act.

.....
(Signed)

.....
(Dated)

ADOPTION STATEMENT

Laid before the.....
and adopted on.....

.....
(Principal member of the council)

Prescribed day

12. The prescribed day for the purposes of section 127(2)(a) of the Act is the second Friday in September in the financial year immediately following the end of the relevant financial year.

Provision of information

13. (1) Pursuant to section 127(4) of the Act, a council must, on or before 30 November in each year, submit a copy of the audited financial statements of the council for the immediately preceding financial year to—

- (a) the Minister; and
- (b) the presiding member of the South Australian Local Government Grants Commission; and
- (c) the South Australian Regional Director of the Australian Bureau of Statistics.

(2) The statements submitted under subregulation (1) must be accompanied by information that accords with the "Supplementary Data to the Financial Statements" issued by the Australian Bureau of Statistics for use by councils.

(3) The chief executive officer of the council must certify that the information provided under subregulation (2) has been reconciled to, and is consistent with, the audited financial statements of the council.

**PART 5
AUDIT**

DIVISION 1—AUDIT STANDARDS

Audit standards

14. (1) An audit of the financial statements of a council, council subsidiary or regional subsidiary must be carried out in accordance with the Auditing Standards and Auditing Guidance Statements published (and amended from time to time) by the Institute of Chartered Accountants in Australia and the Australian Society of Certified Practising Accountants.

(2) In forming an audit opinion for a council under section 129(3) of the Act, the auditor must give due consideration to the adequacy of the council's policies, practices and procedures of internal control under section 125 of the Act.

DIVISION 2—SUBSIDIARIES

The auditor of a subsidiary

15. (1) A council subsidiary or regional subsidiary must have an auditor.

(2) The auditor must be—

- (a) a registered company auditor; or
- (b) a firm comprising at least one registered company auditor.

(3) A person is not eligible to be the auditor of a subsidiary if—

- (a) the person is a member of the board of management of the subsidiary; or
- (b) the person is a member of the council which established the subsidiary or, in the case of a regional subsidiary, a member of a constituent council; or
- (c) the person is a nominated candidate for election as a member of the council which established the subsidiary or, in the case of a regional subsidiary, is a nominated candidate for election as a member of a constituent council.

(4) The office of auditor of a subsidiary becomes vacant if—

- (a) the auditor dies; or
- (b) the auditor resigns by written notice to the person who has been appointed to chair the board of management of the subsidiary; or
- (c) the auditor is not or ceases to be eligible for appointment as the auditor; or
- (d) the auditor accepts remunerated office or employment from the subsidiary or—
 - (i) in the case of a council subsidiary—the council which established the subsidiary; or
 - (ii) in the case of a regional subsidiary—a constituent council; or

- (e) the term of appointment of the auditor expires and the auditor is not reappointed; or
- (f) the auditor is removed from office by the subsidiary for reasonable cause.

Reporting

16. (1) The financial statements of a subsidiary prepared for a particular financial year must be audited by the subsidiary's auditor.

(2) The financial statements for a financial year must be finalised and audited in sufficient time to meet the requirements of the relevant council or councils under clause 12(2) or 28(1) of schedule 2 (as the case may be).

(3) Unless otherwise required by an Australian Accounting Standard, a council must, in respect of each subsidiary established by the council or for which the council is a constituent council (as the case may be) include, by way of a note to its financial statements—

- (a) information that identifies the subsidiary, and describes its nature and purpose; and
- (b) information on the financial contributions that have been made by the council to the subsidiary, or by the subsidiary to the council, during the financial year; and
- (c) other financial information relevant to the relationship between the council and the subsidiary (from a financial perspective), including information relating to financial guarantees provided by the council, and to any contingent liabilities that may exist.

(4) The chief executive officer of a council must ensure that any audited financial statements of a subsidiary received for the purposes of clause 12(3)(a) or 28(2)(a) of schedule 2 of the Act are laid before the council at the first meeting of the council following their receipt by the chief executive officer on behalf of the council.

**PART 6
OTHER MATTERS**

Long service leave

17. (1) In this regulation—

"council" has the same meaning as in section 106 of the Act;

"ordinary pay" means a person's ordinary weekly rate of pay within the meaning of the *Long Service Leave Act 1987*.

(2) Section 106 of the Act applies to the following authorities or bodies:

- (a) the LGA;
- (b) a control board established under section 15 of the *Animal and Plant Control (Agricultural Protection and Other Purposes) Act 1986*;
- (c) the Maxima Training Group Inc.

(3) If an employee leaves the service of one council (Council A) and enters the service of another council (Council B) in circumstances in which the employee is entitled to the benefit of section 106(1) of the Act, the contribution to be made by Council A to Council B is to be calculated in accordance with the following formula:

$$C = \frac{1.3 \times r \times n}{52}$$

where—

C is the amount of the contribution

r is the rate of ordinary pay of the employee at the date of termination of employment with Council A

and

n is the number of completed weeks of service of the employee at the date of termination of employment with Council A, including any previous periods of service which are to be aggregated with the period of service with Council A so as to form a continuous period of service for the purposes of section 106(1) of the Act but not including a period of service in respect of which the employee has been granted long service leave or received payment in lieu of long service leave.

(4) If—

- (a) a contribution is made under section 106 of the Act by one council to another council in respect of a particular employee; but

- (b) the service of the employee ceases before an entitlement to long service leave or payment in lieu of long service leave arises, and the employee does not within 13 weeks of the cessation of service again become entitled to the benefit of section 106(1),

the council that received the contribution must refund the amount of the contribution to the council by which the contribution was paid.

(5) If a council receives a refund under this regulation, but the council itself derived portion of the amount refunded from some other council, the council must refund that portion of the amount to that other council.

Duty to insure against liability

18. For the purposes of section 142(1) of the Act, a council must take out and maintain insurance to cover its civil liabilities at a minimum level of cover of \$50 million.

SCHEDULE
FINANCIAL STATEMENTS

[Name of Council]

Operating Statement for the year ended 30 June 20xx

	Note	20xx \$	\$	20xx \$	\$
OPERATING REVENUE					
Rates					
- General		XXX		XXX	
- Other		XXX		XXX	
Statutory Charges		XXX		XXX	
User Charges		XXX		XXX	
Operating Grants and Subsidies		XXX		XXX	
Investment Income		XXX		XXX	
Reimbursements		XXX		XXX	
Gain on Disposal of Non-Current Assets		XXX		XXX	
Commercial Activity Revenue		XXX		XXX	
Other		XXX		XXX	
TOTAL OPERATING REVENUE			XXX		XXX
OPERATING EXPENSES					
Employee Costs		XXX		XXX	
Contractual Services		XXX		XXX	
Materials		XXX		XXX	
Finance Charges		XXX		XXX	
Depreciation		XXX		XXX	
Loss on Revaluations		XXX		XXX	
Loss on Disposal of Non-Current Assets		XXX		XXX	
Other		XXX		XXX	
TOTAL OPERATING EXPENSES			XXX		XXX
Operating Surplus/(Deficit) before Capital Revenues			XXX		XXX
CAPITAL REVENUES					
Capital Grants, Subsidies and Monetary Contributions			XXX		XXX
Physical resources received free of charge			XXX		XXX
Operating Surplus/(Deficit) after Capital revenues and before Abnormal and/or Extraordinary Items				XXX	XXX
Abnormal Items				XXX	XXX
Extraordinary Items		XXX			XXX
Net Surplus/(Deficit) resulting from Operations		XXX			XXX

[Name of Council]

Statement of Financial Position as at 30 June 20xx

	Note	20xx		20xx	
		\$	\$	\$	\$
CURRENT ASSETS					
Cash		XXX		XXX	
Receivables		XXX		XXX	
Inventory		XXX		XXX	
Investments		XXX		XXX	
Other		XXX		XXX	
TOTAL CURRENT ASSETS			XXX		XXX
CURRENT LIABILITIES					
Bank Overdraft		XXX		XXX	
Creditors		XXX		XXX	
Provisions		XXX		XXX	
Loans		XXX		XXX	
Other		XXX		XXX	
TOTAL CURRENT LIABILITIES			XXX		XXX
Net Current Assets/(Current Liabilities)			XXX		XXX
NON-CURRENT ASSETS					
Receivables		XXX		XXX	
Inventory		XXX		XXX	
Investments		XXX		XXX	
Land		XXX		XXX	
Buildings		XXX		XXX	
Infrastructure		XXX		XXX	
Equipment		XXX		XXX	
Furniture and Fittings		XXX		XXX	
Other		XXX		XXX	
TOTAL NON-CURRENT ASSETS			XXX		XXX
NON-CURRENT LIABILITIES					
Creditors		XXX		XXX	
Provisions		XXX		XXX	
Loans		XXX		XXX	
Other		XXX		XXX	
TOTAL NON-CURRENT LIABILITIES			XXX		XXX
NET ASSETS			XXX		XXX
EQUITY					
Accumulated Surplus		XXX		XXX	
Reserves		XXX		XXX	
TOTAL EQUITY			XXX		XXX

[Name of Council]

Statement of Changes in Equity for the Year Ended 30 June 20xx

	Note	20xx		20xx	
		\$	\$	\$	\$
ACCUMULATED SURPLUS					
Balance at beginning of period		XXX		XXX	
Net Surplus/(Deficit)		XXX		XXX	
Transfers from reserves		XXX		XXX	
Transfers to reserves		(XXX)		(XXX)	
Balance at end of period			XXX		XXX
ASSET REVALUATION RESERVE					
Balance at beginning of period		XXX		XXX	
Transfers to reserve - Revaluation increment		XXX		XXX	
Transfers from reserve -		(XXX)		(XXX)	
Balance at end of period			XXX		XXX
..... RESERVE					
Balance at beginning of period		XXX		XXX	
Transfers to reserve from		XXX		XXX	
Transfers from reserve to		(XXX)		(XXX)	
Balance at end of period			XXX		XXX
..... RESERVE					
Balance at beginning of period		XXX		XXX	
Transfers to reserve from		XXX		XXX	
Transfers from reserve to		(XXX)		(XXX)	
Balance at end of period			XXX		XXX
TOTAL EQUITY				XXX	XXX

[Name of Council]

Statement of Cash Flows for the Year Ended 30 June 20xx

	Note	20xx \$	20xx \$	20xx \$
		Inflows (Outflows)	Inflows (Outflows)	Inflows (Outflows)
CASH FLOWS FROM OPERATING ACTIVITIES				
Receipts		XXX		XXX
Payments		(XXX)		(XXX)
NET CASH USED IN OPERATING ACTIVITIES			XXX	XXX
CASH FLOWS FROM FINANCING ACTIVITIES				
Receipts				
Loans Received		XXX		XXX
Payments				
Principal Repayments		(XXX)		(XXX)
NET CASH USED IN FINANCING ACTIVITIES			XXX	XXX
CASH FLOWS FROM INVESTMENT ACTIVITIES				
Receipts				
Capital Grants/Subsidies		XXX		XXX
Contributions				
Sale of		XXX		XXX
Sale of		XXX		XXX
Payments				
Purchase of		(XXX)		(XXX)
Purchase of		(XXX)		(XXX)
NET CASH USED IN INVESTMENT ACTIVITIES			XXX	XXX
NET INCREASE (DECREASE) IN CASH HELD			XXX	XXX
CASH AT BEGINNING OF REPORTING PERIOD			XXX	XXX
CASH AT END OF REPORTING PERIOD			XXX	XXX

MLG 14/99 CS

R. DENNIS Clerk of the Council

REGULATIONS UNDER THE LOCAL GOVERNMENT ACT 1999

No. 245 of 1999

At the Executive Council Office at Adelaide 25 November 1999

PURSUANT to the *Local Government Act 1999* and with the advice and consent of the Executive Council, I make the following regulations.

E. J. NEAL Governor

PURSUANT to section 10AA(2) of the *Subordinate Legislation Act 1978*, I certify that, in my opinion, it is necessary or appropriate that the following regulations come into operation as set out below.

IAIN EVANS Minister for Industry and Trade

SUMMARY OF PROVISIONS

1. Citation
2. Commencement
3. Interpretation
4. Allowances—s. 76
5. Reimbursement of expenses—s. 77(1)(a)
6. Expenses requiring council approval—s. 77(1)(b)
7. Register of allowances and benefits

Citation

1. These regulations may be cited as the *Local Government (Members Allowances and Benefits) Regulations 1999*.

Commencement

2. These regulations will come into operation on the day on which Part 5 of Chapter 5 of the *Local Government Act 1999* comes into operation¹.

¹ Note: Pursuant to section 17 of the *Local Government (Implementation) Act 1999*, these regulations may have effect with respect to any increase in allowances back-dated to 1 July 1999 pursuant to that section.

Interpretation

3. In these regulations—

"Act" means the *Local Government Act 1999*;

"eligible journey" means a journey between the principal place of residence, or a place of work, of a member of a council, and the place of a meeting of the council or a committee of the council (in either direction).

Allowances—s. 76

4. (1) Pursuant to section 76(8) of the Act, the following amounts are prescribed:

(a) in respect of a member of a council, other than a deputy mayor or deputy chairperson (if any), a member who is the presiding member of one or more standing committees established by a council, or the principal member of a council—

(i) a minimum annual amount of \$1 500 (the "minimum base amount"); and

- (ii) a maximum annual amount of \$6 000 (the "maximum base amount");
- (b) in respect of a deputy mayor or deputy chairperson or a member who is the presiding member of one or more standing committees established by a council—
 - (i) a minimum annual amount equal to 1.25 times the minimum base amount; and
 - (ii) a maximum annual amount equal to 1.25 times the maximum base amount;
- (c) in respect of the principal member of a council—
 - (i) a minimum annual amount equal to 4 times the minimum base amount; and
 - (ii) a maximum annual amount equal to 4 times the maximum base amount.

(2) An allowance under section 76 of the Act may be paid by a council on a quarterly basis in advance.

Reimbursement of expenses—s. 77(1)(a)

5. (1) Subject to this regulation, for the purposes of section 77(1)(a) of the Act, the kinds of expenses for which a member of a council will be reimbursed are as follows:

- (a) travelling expenses actually and necessarily incurred by the member in travelling to or from a meeting of the council or a committee of the council if—
 - (i) the journey is an eligible journey; and
 - (ii) the journey is by the shortest or most practicable route; and
- (b) expenses for the care of—
 - (i) a child of the member; or
 - (ii) a dependant of the member requiring full-time care,

actually and necessarily incurred by the member as a consequence of the member's attendance at a meeting of the council or a committee of the council.

(2) However—

- (a) in relation to the operation of subregulation (1)(a)—
 - (i) if an eligible journey relates to travel between a place within the area of a council and a place outside the area of a council (in either direction), the member is only entitled to be reimbursed in respect of expenses that can be attributed to travel within the area of the council; and
 - (ii) the rate of reimbursement for motor vehicle costs will be at a rate equal to the appropriate rate per kilometre (determined according to the engine capacity of the vehicle) prescribed for the purposes of calculating deductions for car expenses under section 82KX(1)(a) of the *Income Tax Assessment Act 1936* of the Commonwealth; and

- (b) in relation to the operation of subregulation (1)(b)—a member of a council is not entitled to be reimbursed if the care is provided by a relative of the member who ordinarily resides with the member.

(3) A council may aggregate claims for reimbursement of expenses under subregulation (1)(a) that relate to journeys that do not exceed 20 kilometres and then pay them on a quarterly basis.

Expenses requiring council approval—s. 77(1)(b)

6. For the purposes of section 77(1)(b) of the Act, the following kinds of expenses for which a member of a council may be reimbursed are prescribed:

- (a) expenses incurred in the use of a telephone, facsimile or other telecommunications device, or in the use of a form of electronic communication, on the business of the council;
- (b) travelling expenses incurred by the member as a consequence of the member's attendance at a function or activity on the business of the council;
- (c) travelling expenses incurred by the member in undertaking an eligible journey to the extent that those expenses are attributable to travel outside the area of the council;
- (d) expenses for the care of—
- (i) a child of the member; or
 - (ii) a dependant of the member requiring full-time care,
- incurred by the member as a consequence of the member's attendance at a function or activity on the business of the council;
- (e) expenses incurred by the member as a consequence of the member's attendance at a conference, seminar, training course or other similar activity which is directly or closely related to the performance or discharge of the roles or duties of a member of a council.

Register of allowances and benefits

7. Pursuant to subsections (1) and (2) of section 79 of the Act, it will be a principle under those subsections that the chief executive officer will only be required—

- (a) to enter details of any expenses reimbursed under section 77(1)(b) of the Act (in the case of section 79(1)(b)), or of other benefits paid or provided (in the case of section 79(1)(c)); or
- (b) to make a record of the provision of a reimbursement or benefit not previously recorded in the Register (in the case of section 79(2)(b)),

on a quarterly basis¹.

¹ Note: Reimbursements under section 77(1)(a) of the Act are not required to be recorded in the Register of Allowances and Benefits.